

EXHIBIT “8”

<p>1 2 3 -----x 4 5 IN THE MATTER OF THE CLAIM OF 6 ACCELERATED DME RECOVERY, INC. 7 -----x 8 9 3000 Marcus Avenue Lake Success, New York 10 11 September 5, 2014 10:20 a.m. 12 13 EXAMINATION UNDER OATH OF ACCELERATED DME 14 RECOVERY, INC., the Claimant in this matter, by 15 ARTUR PINKHASOV, held at the above time and place, 16 taken before HOLLY BAINE, a Shorthand Reporter and 17 Notary Public of the State of New York. 18 19 20 21 22 23 24 25</p>	<p>2 1 2 APPEARANCES: 3 4 RUSSELL, FRIEDMAN & ASSOCIATES, LLP Attorneys for Claimant 5 3000 Marcus Avenue Suite 2E1 6 Lake Success, New York 11042 7 BY: RUSSELL FRIEDMAN, ESQ. 8 9 RIVKIN, RADLER, LLP 10 Attorneys for GEICO Insurance Company 926 RXR Plaza 11 Uniondale, New York 11556 12 BY: GLENN H. EGOR, ESQ. File No: 5100-1016 13 14 15 * * * 16 17 18 19 20 21 22 23 24 25</p>
<p>3 1 2 (Whereupon, document was marked as 3 Defendant's Exhibit A for identification, 4 as of this date.) 5 (Whereupon, invoice was marked as 6 Defendant's Exhibit B for identification, 7 as of this date.) 8 (Whereupon, invoice was marked as 9 Defendant's Exhibit C for identification, 10 as of this date.) 11 (Whereupon, document was marked as 12 Defendant's Exhibit D for identification, 13 as of this date.) 14 (Whereupon, document was marked as 15 Defendant's Exhibit E for identification, 16 as of this date.) 17 (Whereupon, bill was marked as 18 Defendant's Exhibit F for identification, 19 as of this date.) 20 (Whereupon, bill was marked as 21 Defendant's Exhibit G for identification, 22 as of this date.) 23 (Whereupon, Prescription and Letter of 24 Medical Necessity was marked as Defendant's 25 Exhibit H for identification, as of this</p>	<p>4 1 2 date.) 3 (Whereupon, bill was marked as 4 Defendant's Exhibit I for identification, 5 as of this date.) 6 (Whereupon, questionnaire was marked 7 as Defendant's Exhibit J for 8 identification, as of this date.) 9 (Whereupon, delivery receipt was 10 marked as Defendant's Exhibit K for 11 identification, as of this date.) 12 ARTUR PINKHASOV, the witness 13 herein, having first been duly sworn by Holly 14 Baine, a Notary Public in and for the State 15 of New York, was examined and testified as 16 follows: 17 EXAMINATION BY 18 MR. EGOR: 19 Q Would you please state your full name 20 for the record. 21 A My name is Artur Pinkhasov. 22 Q Where do you reside? 23 A 83-30 118th Street, Kew Gardens, New 24 York 11415. 25 Q Good morning, Mr. Pinkhasov.</p>

<p style="text-align: right;">5</p> <p>1 A. Pinkhasov</p> <p>2 A Yes, sir.</p> <p>3 Q My name is Glenn Egor. I represent</p> <p>4 GEICO.</p> <p>5 I will ask you questions today under</p> <p>6 oath about bills that you have submitted to GEICO</p> <p>7 which are the subject of today's examination. I</p> <p>8 marked them as Defendant's Exhibit A for today</p> <p>9 that were all noticed for today's examination.</p> <p>10 Please make all your responses verbal.</p> <p>11 Don't use nods or gestures.</p> <p>12 Wait for me to finish my question so</p> <p>13 that when you answer we are not talking over each</p> <p>14 other for the court reporter's sake.</p> <p>15 Also, don't guess. You can say "I</p> <p>16 don't know" if you don't know.</p> <p>17 Also, you are under oath.</p> <p>18 Is that understood?</p> <p>19 A Yes.</p> <p>20 Q One last thing, if you don't</p> <p>21 understand my question, please say so, otherwise I</p> <p>22 will assume you do.</p> <p>23 Thank you.</p> <p>24 What is your connection with</p> <p>25 Accelerated DME Recovery, Inc.?</p>	<p style="text-align: right;">6</p> <p>1 A. Pinkhasov</p> <p>2 A That's the company -- I'm a president</p> <p>3 of the company.</p> <p>4 Q Did you form that company?</p> <p>5 A If I opened up on my own, is that the</p> <p>6 question?</p> <p>7 Q Yes.</p> <p>8 A Okay. I start this company, but I</p> <p>9 open up to a lawyer. His name is License Pro. He</p> <p>10 is the one who helped me up, start this up.</p> <p>11 Q When was the company formed?</p> <p>12 A It was -- I don't remember the exact,</p> <p>13 but I think it was two years ago.</p> <p>14 Q In 2012?</p> <p>15 A I think so, but I don't remember</p> <p>16 exactly. I don't remember the dates.</p> <p>17 MR. FRIEDMAN: We will be more than</p> <p>18 happy on the post EUO document request, if</p> <p>19 you list them out on a separate sheet for</p> <p>20 me, what all the documents are that you</p> <p>21 would like, we will provide formation</p> <p>22 documents and certificate of incorporation</p> <p>23 and all that kind of stuff, as well as</p> <p>24 anything else you may ask for that we don't</p> <p>25 find objectionable.</p>
<p style="text-align: right;">7</p> <p>1 A. Pinkhasov</p> <p>2 So, if you'll do that, I always find</p> <p>3 it easier on these EUOs and, unfortunately,</p> <p>4 I do a lot of them, if we make a list, a</p> <p>5 formal letter request of the documents</p> <p>6 requested then we will be more than happy</p> <p>7 to exchange them.</p> <p>8 MR. EGOR: We will do that. We will</p> <p>9 reduce everything in writing that we will</p> <p>10 be requesting after today.</p> <p>11 MR. FRIEDMAN: Great.</p> <p>12 Q Did you purchase the company?</p> <p>13 A No.</p> <p>14 Q What kind of company is it?</p> <p>15 A It's a durable medical company.</p> <p>16 Q That's DME?</p> <p>17 A DME company, durable medical company.</p> <p>18 We do mostly rentals. We</p> <p>19 specialize --</p> <p>20 Q Go ahead.</p> <p>21 A We specialize in CTUs, CPMs and</p> <p>22 lightly we starting with braces. Not heavy.</p> <p>23 Lightly. Just starting.</p> <p>24 Q When would you say you started with</p> <p>25 braces?</p>	<p style="text-align: right;">8</p> <p>1 A. Pinkhasov</p> <p>2 A We start, I would say more than a year</p> <p>3 ago.</p> <p>4 Q That would be neck and back braces?</p> <p>5 A Neck and back and knee braces,</p> <p>6 splints, collars, but again, not heavy.</p> <p>7 Q Do you know if you submitted any bills</p> <p>8 of the braces to GEICO?</p> <p>9 A I think we did, but again, very</p> <p>10 lightly. We are not heavy.</p> <p>11 Q Incidentally, did you bring anything</p> <p>12 with you today pursuant to our request?</p> <p>13 A No.</p> <p>14 Q Where is Accelerated located or its</p> <p>15 locations?</p> <p>16 A It's located 88-11 101st Avenue, Ozone</p> <p>17 Park, New York, 11416 zip code, Queens, New York.</p> <p>18 Q Are you the sole proprietor?</p> <p>19 A Meaning if I'm the only one, yes.</p> <p>20 Q That address, is that the office</p> <p>21 address?</p> <p>22 A That's the operation office address,</p> <p>23 yes.</p> <p>24 Q Do you have a manufacturing facility?</p> <p>25 A In the back -- no, it's in that</p>

<p style="text-align: right;">9</p> <p>1 A. Pinkhasov</p> <p>2 office. We have a back room where we have like</p> <p>3 what's called a warehouse over there, so we kept</p> <p>4 our stuff in it.</p> <p>5 Q What about fabrication of products, is</p> <p>6 that done at your office?</p> <p>7 A We don't fabricate. We buy them from</p> <p>8 the carriers.</p> <p>9 Q I understand.</p> <p>10 Do you have inventory of DME</p> <p>11 equipment?</p> <p>12 A Can you repeat that?</p> <p>13 Q In other words, you mentioned you</p> <p>14 specialized in CTUs and CPMs and braces.</p> <p>15 A Yes.</p> <p>16 Q How many CTU units do you own?</p> <p>17 A CTU units, that's something that</p> <p>18 always break down on us, so I cannot really tell</p> <p>19 you exact number on CTUs because they break down</p> <p>20 on us.</p> <p>21 MR. FRIEDMAN: Approximately. I don't</p> <p>22 think you need an exact number.</p> <p>23 MR. EGOR: No.</p> <p>24 MR. FRIEDMAN: Approximately.</p> <p>25 A Minimum of 200.</p>	<p style="text-align: right;">10</p> <p>1 A. Pinkhasov</p> <p>2 Q That would be from your inception date</p> <p>3 until now?</p> <p>4 A Oh, no, it's way more than that. From</p> <p>5 the day we opened until today it's way more than</p> <p>6 that. I would say three, 400.</p> <p>7 Again, they breaking down on us all</p> <p>8 the time.</p> <p>9 Q When you say 200, 200 that are</p> <p>10 currently operating in use?</p> <p>11 A Yes.</p> <p>12 Q That was CTUs.</p> <p>13 What about CPM units?</p> <p>14 A CPM, on average, again, my system is</p> <p>15 not perfect, I would say between shoulders and</p> <p>16 knees and ankles, 80, 90. Between 80 to 90.</p> <p>17 Again, I will give exact numbers when</p> <p>18 I bring everything.</p> <p>19 Q That's a current estimation of what</p> <p>20 you have?</p> <p>21 A Approximately.</p> <p>22 Q What about from your inception since</p> <p>23 the company was started?</p> <p>24 A They don't break down on us as often</p> <p>25 because we fix them in case, so I would say that's</p>
<p style="text-align: right;">11</p> <p>1 A. Pinkhasov</p> <p>2 approximately number.</p> <p>3 Again, all the numbers I will provide</p> <p>4 you again after you guys request that.</p> <p>5 Q Do you know some of the approximate</p> <p>6 ages of the equipment?</p> <p>7 A They break pretty much new from</p> <p>8 2000 -- maybe 2012 and 2010, I would say some of</p> <p>9 them.</p> <p>10 Some of them they might, older than</p> <p>11 this because I purchased them on Ebay and I</p> <p>12 wouldn't know the age. I wouldn't know how old</p> <p>13 they are. I know they are all functional.</p> <p>14 Q Do you have records of your Ebay</p> <p>15 purchases?</p> <p>16 A Sure, I do.</p> <p>17 Q So, when you formed and started the</p> <p>18 company you purchased some old, used equipment?</p> <p>19 A That's a very small number, yes.</p> <p>20 Q What percentage when you started?</p> <p>21 A Ten percent. Five or ten percent</p> <p>22 Ebay. Everything else was from previous vendors.</p> <p>23 Q What do you mean previous?</p> <p>24 A Not previous. From the companies like</p> <p>25 DGO.</p>	<p style="text-align: right;">12</p> <p>1 A. Pinkhasov</p> <p>2 Q With respect to the units that you</p> <p>3 purchased new, where did you purchase them from?</p> <p>4 A DGO, MedSource, I think that's -- and</p> <p>5 another company. I will tell you right now. And</p> <p>6 another company I will tell you in a minute.</p> <p>7 MR. FRIEDMAN: Leave a blank and when</p> <p>8 he recalls it during the EUO we will fill</p> <p>9 it in.</p> <p>10 (INSERT)</p> <p>11 Q Do you know the approximate purchase</p> <p>12 price of the new CPM units?</p> <p>13 A Sure. I think shoulder, around 4,000.</p> <p>14 The exact number with the change, I wouldn't say,</p> <p>15 but approximately around there. It's 4,000 and</p> <p>16 change.</p> <p>17 And knee, I would say, I think that</p> <p>18 was 1,300. Between 13 and 1,400.</p> <p>19 Ankles, it's close to 4,000 and</p> <p>20 change, also.</p> <p>21 That's pretty much it.</p> <p>22 Q These products were purchased from</p> <p>23 these --</p> <p>24 A DGO --</p> <p>25 Q They are the manufacturing company or</p>

13

1 A. Pinkhasov
 2 retailer?
 3 A I think they are retailer, but they
 4 are one of the biggest ones.
 5 MR. FRIEDMAN: Retailers or
 6 wholesalers?
 7 THE WITNESS: Wholesalers.
 8 Q How did you get in contact with these
 9 companies, did you find them on-line, is there a
 10 salesperson?
 11 A Yes, we do find them on-line. We did
 12 our research and we just purchase it. We create
 13 account with them.
 14 That's about it, and we got a
 15 salesperson who usually help us out. We have a
 16 person who deal with on a daily basis at DGO.
 17 Q Do you deal with them more than you do
 18 with MedSource?
 19 A MedSource, I think DGO, they -- we
 20 majority, our shoulder machine, majority DGO, and
 21 MedSource, I believe, is more.
 22 Q What?
 23 A MedSource.
 24 Q Do you know the name of the
 25 salesperson?

15

1 A. Pinkhasov
 2 Is there a lifespan for these CTUs?
 3 A No.
 4 Q What is it that is breaking down, can
 5 you describe what you mean by that?
 6 A The unit just stop working. They just
 7 not do what they supposed to do.
 8 It's supposed to be -- supposed to put
 9 on patient and doesn't do what it's supposed to
 10 do.
 11 Q When it breaks down, what do you do
 12 with it, do you repair it, take it out of service?
 13 A We just throw them in a garbage and
 14 throw them away.
 15 Q Throw them out?
 16 A Maybe used. We use the one that's
 17 functional.
 18 Q Is there a timeframe that typically
 19 they break down within?
 20 A No.
 21 Q Do you know what the machines that you
 22 use, CTUs and CPMs, have a certain shelf life or
 23 lifespan?
 24 A No. I wouldn't say -- no.
 25 Q Do you have a procedure where you will

14

1 A. Pinkhasov
 2 A David Ravner (phonetic). I don't know
 3 how to spell his name.
 4 Again, I can provide more correct
 5 information, correct spelling.
 6 MR. FRIEDMAN: After we get the
 7 transcript, if he sees there are spelling
 8 errors, that he knows, we will correct them
 9 on an errata sheet.
 10 Q What make and model equipment do you
 11 have in stock?
 12 A I wouldn't answer that.
 13 Wait. I will tell you right now.
 14 That's the knee. Optiflex.
 15 MR. EGOR: It's spelled
 16 O-P-T-I-F-L-E-X.
 17 Q What kind of unit is that?
 18 A It's a knee CPM unit.
 19 I wouldn't -- I don't have the
 20 shoulder. I will give it -- provide you with
 21 that.
 22 MR. EGOR: We will leave a space.
 23 (INSERT) _____
 24 Q You mentioned before that the CTUs
 25 break down.

16

1 A. Pinkhasov
 2 put or take all the machines out of service and
 3 put newer machines in service within a particular
 4 timeframe?
 5 A I'm not in the business for such a
 6 long time since we have Accelerated business so it
 7 didn't happen to us yet, but with cold therapy
 8 units it happen all the time.
 9 Q For the record, CTU is known as cold
 10 therapy and CPM stands for what?
 11 A Continued motion pressure machine.
 12 Q Do you have any license to operate
 13 this sort of business?
 14 A We have a Consumer Affair license.
 15 Q Were you in this business prior to
 16 starting Accelerated?
 17 A What do you mean?
 18 Q What did you do before you started
 19 Accelerated?
 20 A You mean in general?
 21 Q Right.
 22 Where did you work?
 23 A In general, I did a lot -- first I was
 24 a barber. Then I was cutting hair. Then -- I'm a
 25 licensed barber, let's put it this way.

<p style="text-align: right;">17</p> <p>1 A. Pinkhasov</p> <p>2 Then I was helping some of my doctors</p> <p>3 marketing and helping them up to build the</p> <p>4 practice, but it started to separate and then I</p> <p>5 just started to do this business, to do something</p> <p>6 on my own.</p> <p>7 Q This is a foray into the DME business?</p> <p>8 A Yes, and I own another DME company,</p> <p>9 also, so I was doing that before.</p> <p>10 Q What's the name of that company?</p> <p>11 A AAAMG Leasing Corp.</p> <p>12 Q Is that still in existence?</p> <p>13 A Yes.</p> <p>14 Q Are you still running that company, as</p> <p>15 well?</p> <p>16 A Yes.</p> <p>17 Q Are you the president?</p> <p>18 A I am, yes.</p> <p>19 Q Where is AAAMG located?</p> <p>20 A It's 72 -- I forgot the address. We</p> <p>21 just move. It's on Metropolitan Avenue. We just</p> <p>22 moved recently.</p> <p>23 Q It's in Queens?</p> <p>24 A In Queens, Middle Village, New York.</p> <p>25 72-0 something.</p>	<p style="text-align: right;">18</p> <p>1 A. Pinkhasov</p> <p>2 MR. FRIEDMAN: Leave a blank, we will</p> <p>3 fill it in.</p> <p>4 (INSERT) _____</p> <p>5 Q For what reason did you form</p> <p>6 Accelerated at that time?</p> <p>7 A Okay. I have partners in my company</p> <p>8 at AAAMG. They didn't work -- some of my partners</p> <p>9 decided to -- to walk away, so he stop operating</p> <p>10 with us.</p> <p>11 And another partner who I have, he is</p> <p>12 helping me, but majority of work, I did it myself.</p> <p>13 That was one of the reason why I</p> <p>14 decided to do on my own because they were sitting</p> <p>15 at the office doing pretty much nothing and I'm</p> <p>16 the only one who did everything else, so I decided</p> <p>17 to go on my own without anybody.</p> <p>18 Q But you are still partner with AAAMG?</p> <p>19 A I'm still partner over there because</p> <p>20 some of my partners, they don't want to leave and</p> <p>21 they are legal partner and I can't just throw them</p> <p>22 out.</p> <p>23 Q What are their names?</p> <p>24 A Alexander Barbajanov. I don't know</p> <p>25 how to spell that.</p>
<p style="text-align: right;">19</p> <p>1 A. Pinkhasov</p> <p>2 MR. FRIEDMAN: Leave a blank and we</p> <p>3 will fill it in.</p> <p>4 (INSERT) _____</p> <p>5 Q Was there another partner?</p> <p>6 A He used to be Mark Karantanov. He is</p> <p>7 the one who is no longer with us.</p> <p>8 So, he just went on his own. I don't</p> <p>9 know what he does right now.</p> <p>10 Q Do you have any other interaction with</p> <p>11 that company?</p> <p>12 MR. FRIEDMAN: You mean with regard to</p> <p>13 Accelerated?</p> <p>14 Q Let me rephrase that.</p> <p>15 Does Accelerated do business with</p> <p>16 Triple AMG?</p> <p>17 A Financial business.</p> <p>18 Q Do they share any profits or</p> <p>19 inventory?</p> <p>20 A Inventory, yes.</p> <p>21 Q Where does AAAMG keep their stock?</p> <p>22 A In the same warehouse, but they marked</p> <p>23 different colors.</p> <p>24 Q In Ozone Park?</p> <p>25 A In Ozone Park.</p>	<p style="text-align: right;">20</p> <p>1 A. Pinkhasov</p> <p>2 Q Their equipment is color coded?</p> <p>3 A Yes, color coded, and every single</p> <p>4 machine have that little tag in back of the</p> <p>5 machine if you want to look at it, so that's how</p> <p>6 we realize, that's how we recognize whose machine</p> <p>7 that is.</p> <p>8 Q What is that?</p> <p>9 A It's in the back of the machine.</p> <p>10 Q This is the tag?</p> <p>11 A This is the tag in the back of the</p> <p>12 machine.</p> <p>13 MR. FRIEDMAN: Let the record reflect</p> <p>14 that my client handed over to counsel some</p> <p>15 black and white photographs representing</p> <p>16 some things he has or is testifying about.</p> <p>17 This way if we mark them as exhibits we</p> <p>18 will be able to refer back to them and</p> <p>19 understand what he was talking about when</p> <p>20 he spoke on the record.</p> <p>21 (Whereupon, black and white</p> <p>22 photographs were marked as Defendant's</p> <p>23 Exhibits L, M and N for identification, as</p> <p>24 of this date.)</p> <p>25 Q We have these marked. Let me show you</p>

<p style="text-align: right;">21</p> <p>1 A. Pinkhasov</p> <p>2 Defendant's Exhibit L.</p> <p>3 Is that the label or --</p> <p>4 A It's a little label in the back of the</p> <p>5 machine. It says everything over here.</p> <p>6 Do you want me to read it?</p> <p>7 Q For the record, it says Accelerated</p> <p>8 DME Recovery and a phone number.</p> <p>9 That's Accelerated's phone number?</p> <p>10 A Accelerated's phone number, and</p> <p>11 something in writing over here meaning if the</p> <p>12 patient ever decided he want to use the machine,</p> <p>13 that's the number they should use.</p> <p>14 Q (718) 577-2884?</p> <p>15 A Yes.</p> <p>16 Q Is that number only Accelerated's</p> <p>17 number or is that also AAAMG?</p> <p>18 A No. Maybe -- let me explain again.</p> <p>19 It is separate companies, but some of</p> <p>20 the inventories happen to be we using because my</p> <p>21 system, we try to separate, but my system is not</p> <p>22 great, and to -- we doing better every day, but at</p> <p>23 this moment right now we actually completely</p> <p>24 separated.</p> <p>25 Q When you said before they were color</p>	<p style="text-align: right;">22</p> <p>1 A. Pinkhasov</p> <p>2 coded you meant there is a label that this belongs</p> <p>3 to -- this is Accelerated's DME and another label</p> <p>4 might say this is AAAMG?</p> <p>5 A And Triple AMG and little rooms and</p> <p>6 separated, one is another company, another one is</p> <p>7 another company.</p> <p>8 Q Does Accelerated sell these machines</p> <p>9 or rent these machines or both?</p> <p>10 A Rent those machines.</p> <p>11 Q Does Accelerated ever rent out</p> <p>12 machines that are owned by Triple AMG?</p> <p>13 A I would say yes, and the only reason</p> <p>14 why I will say yes, I will repeat myself, my</p> <p>15 system is not great.</p> <p>16 After we separated it was so difficult</p> <p>17 for me to really separate those units between this</p> <p>18 one and this one and it got mixed up.</p> <p>19 If I will tell you right now it didn't</p> <p>20 happen I will lie, so I will say yes, it's</p> <p>21 happened, but down the road we get a lot better,</p> <p>22 it might happen sometimes, but not --</p> <p>23 Q When you say it's happened but not on</p> <p>24 purpose, is it by accident or is it intentional?</p> <p>25 A It's not intentional. Not on purpose.</p>
<p style="text-align: right;">23</p> <p>1 A. Pinkhasov</p> <p>2 It's happened because of, let's say my</p> <p>3 text, got the machine and didn't read it right and</p> <p>4 we did not find out how we can separate because of</p> <p>5 numbers in the back. It was difficult for us, and</p> <p>6 until today we don't know how to create the</p> <p>7 perfect system, but again, we get better, a lot</p> <p>8 better.</p> <p>9 Q Can you estimate how much inventory</p> <p>10 Triple AMG keeps at the warehouse?</p> <p>11 MR. FRIEDMAN: You mean percentage of</p> <p>12 different items or --</p> <p>13 MR. EGOR: Okay.</p> <p>14 MR. FRIEDMAN: Because he has</p> <p>15 different types of items.</p> <p>16 Q How many CTUs does Triple AMG have at</p> <p>17 the warehouse?</p> <p>18 A Have it right now or all together?</p> <p>19 Q Currently.</p> <p>20 A Currently --</p> <p>21 MR. FRIEDMAN: Just for the record,</p> <p>22 that are both in the warehouse and given to</p> <p>23 patients or just in the warehouse as</p> <p>24 inventory?</p> <p>25 Let's break it down.</p>	<p style="text-align: right;">24</p> <p>1 A. Pinkhasov</p> <p>2 MR. EGOR: Let's break it down. In</p> <p>3 the warehouse. Sitting in the warehouse.</p> <p>4 MR. FRIEDMAN: Not being used?</p> <p>5 MR. EGOR: Yes.</p> <p>6 A Not being used at this moment, maybe</p> <p>7 extra 40, 30, 40 not being used.</p> <p>8 Q How many are being used at Triple AMG?</p> <p>9 A Fifty, 60.</p> <p>10 Q What about CPMs, same two questions,</p> <p>11 in the warehouse?</p> <p>12 A In the warehouse, I would say 100 and</p> <p>13 change.</p> <p>14 Q What about that are being used, rented</p> <p>15 out by Triple AMG?</p> <p>16 A Thirty -- 40, 50.</p> <p>17 I mean, if I can check, if you want</p> <p>18 correct numbers I think --</p> <p>19 Q What is your system of keeping track</p> <p>20 of the inventory?</p> <p>21 A Serial numbers. Pretty much serial</p> <p>22 numbers, yes.</p> <p>23 Q You keep a log of the serial number?</p> <p>24 A Sure.</p> <p>25 Q Then, do you handwrite what is being</p>

<p style="text-align: right;">25</p> <p>1 A. Pinkhasov</p> <p>2 rented out, make a note?</p> <p>3 A Let's say you will check the bills</p> <p>4 what we send you guys, I mean we usually put the</p> <p>5 serial number on it, and when we picked it up, we</p> <p>6 just confirm it, we just check those numbers, and</p> <p>7 I mean -- in the machine, in the back of the</p> <p>8 number, also serial number. That's how we try to</p> <p>9 follow this.</p> <p>10 Q You are able to identify by serial</p> <p>11 number what machines are being rented at any</p> <p>12 particular time?</p> <p>13 A Yes.</p> <p>14 Q Is that on a computer program?</p> <p>15 A It's -- no. It's in our physical</p> <p>16 files. Physical files.</p> <p>17 Q Paper files?</p> <p>18 A Paper files, because when we are going</p> <p>19 to a patient house, we fill it in.</p> <p>20 When we pick it up, our machines, we</p> <p>21 know what we picked up, it's in paper files.</p> <p>22 Q How many employees does Accelerated</p> <p>23 have?</p> <p>24 A You need the names or just</p> <p>25 approximately?</p>	<p style="text-align: right;">26</p> <p>1 A. Pinkhasov</p> <p>2 Q Numbers.</p> <p>3 A Numbers, I will tell you right now,</p> <p>4 one, two, three, four, five, six, seven -- I would</p> <p>5 say approximately nine people. Approximately.</p> <p>6 Q Do they work only for Accelerated or</p> <p>7 they also work for Triple AMG?</p> <p>8 A It's a separate company. Separated.</p> <p>9 Q Triple AMG has their offices at 72</p> <p>10 Metropolitan Avenue?</p> <p>11 A Metropolitan Avenue. I will give</p> <p>12 correct address.</p> <p>13 Q That's where all their employees are</p> <p>14 staffed?</p> <p>15 A For Triple AMG, yes.</p> <p>16 Q What are the positions or the job</p> <p>17 descriptions of, you say, nine employees?</p> <p>18 MR. FRIEDMAN: You want names first?</p> <p>19 Q If you can give me names, I will take</p> <p>20 names and then their job description.</p> <p>21 A Let's say we start with the first</p> <p>22 person. The person who does the scheduling, her</p> <p>23 name is Dorrie. What she does is scheduling.</p> <p>24 When we have scripts, she has to call</p> <p>25 the patients, schedule the patients, she follow up</p>
<p style="text-align: right;">27</p> <p>1 A. Pinkhasov</p> <p>2 day after day, a week later, she just follow up</p> <p>3 with the patients. That's what we have in our</p> <p>4 system. That's her.</p> <p>5 Stephanie, she is in charge of billing</p> <p>6 over use, and Jemallice. Last names, I will -- I'm</p> <p>7 not too sure.</p> <p>8 Then we have technicians. They pretty</p> <p>9 much going to a patient's house, explain what to</p> <p>10 do, spend a few hours with these patients and</p> <p>11 pretty much on call on the time.</p> <p>12 The girls in charge of billing.</p> <p>13 Q Stephanie and Jemallice do the billing?</p> <p>14 A Stephanie and Jemallice, they just</p> <p>15 checking if all the bills sent out correct, not</p> <p>16 being late, and stuff like this.</p> <p>17 But the whole process is the rest of</p> <p>18 the girls, putting the stuff, putting the papers</p> <p>19 together, send them out and stuff like this.</p> <p>20 Q You identified three girls and then</p> <p>21 you say you have techs.</p> <p>22 That means you have five techs?</p> <p>23 A I have three techs.</p> <p>24 Q Are there some individuals you are not</p> <p>25 recalling right now?</p>	<p style="text-align: right;">28</p> <p>1 A. Pinkhasov</p> <p>2 A No.</p> <p>3 Q That's six employees.</p> <p>4 A I said the rest of the girls does the</p> <p>5 billing.</p> <p>6 Q The rest of the girls?</p> <p>7 There are some other girls?</p> <p>8 A Some other girls just do the bills.</p> <p>9 Q Do you have their names?</p> <p>10 We will leave spaces.</p> <p>11 A We can do that?</p> <p>12 Q Yes.</p> <p>13 (INSERT)</p> <p>14 Q Are they all paid a salary?</p> <p>15 A Yes, all W-2s.</p> <p>16 Q Full-time or part-time or some</p> <p>17 combination?</p> <p>18 A Some of them part-time, some of them</p> <p>19 full-time.</p> <p>20 Q Who is part-time?</p> <p>21 A Jemallice, she is -- you know what, I</p> <p>22 wouldn't say she is part-time because she started</p> <p>23 late, but she finished late. I think she still</p> <p>24 does her 40 hours a week.</p> <p>25 A few girls over there are part-time,</p>

<p style="text-align: right;">29</p> <p>1 A. Pinkhasov</p> <p>2 but again, I will provide you with this</p> <p>3 information complete.</p> <p>4 Q What about the techs?</p> <p>5 A The techs, they have very flexible</p> <p>6 hours. Depends on the schedule.</p> <p>7 They are full-timers, but they</p> <p>8 schedule really flexible, meaning sometimes when</p> <p>9 the patients -- sometimes they start delivering</p> <p>10 units to a patient around 12 o'clock and they</p> <p>11 finish around nine o'clock. So, that's not set</p> <p>12 hours with these people.</p> <p>13 Q What are the techs paid, what is their</p> <p>14 salary?</p> <p>15 A Per delivery.</p> <p>16 Q How much?</p> <p>17 A Everybody have different prices. I</p> <p>18 would say between 35 to 45 dollar per delivery and</p> <p>19 pickup, between 15 to 20 dollars to 35 dollars,</p> <p>20 depends where we are going.</p> <p>21 Actually, you know what, to delivery</p> <p>22 and pickup I would say more because sometimes we</p> <p>23 have a long distance like Pennsylvania and upstate</p> <p>24 New York because we have patients we can't say no,</p> <p>25 so it's a lot more.</p>	<p style="text-align: right;">30</p> <p>1 A. Pinkhasov</p> <p>2 Q Do they use their own vehicles?</p> <p>3 A Yes.</p> <p>4 Q Do you reimburse them for mileage?</p> <p>5 A I reimburse them for gas and tolls.</p> <p>6 Q Do you bill any of the insurance</p> <p>7 companies or GEICO for the delivery expenses?</p> <p>8 A No.</p> <p>9 MR. FRIEDMAN: Off the record.</p> <p>10 (Whereupon, a discussion was held off</p> <p>11 the record.)</p> <p>12 Q Are any of the technicians bilingual,</p> <p>13 in other words, do they speak English and another</p> <p>14 language?</p> <p>15 A Spanish, English, that's a</p> <p>16 requirement.</p> <p>17 Again, some of them might not, but we</p> <p>18 prefer to hire the people, Spanish and English.</p> <p>19 Q Do you do any marketing of your</p> <p>20 business?</p> <p>21 A Yes.</p> <p>22 Q What kind of marketing, do you do</p> <p>23 advertising, websites?</p> <p>24 A Advertising. No, marketing is not --</p> <p>25 I do advertising on my own, and plus there is a</p>
<p style="text-align: right;">31</p> <p>1 A. Pinkhasov</p> <p>2 company who help me at this moment.</p> <p>3 I have more. I try a lot of different</p> <p>4 people. Didn't really work. Some of them I let</p> <p>5 go. Some of them they stop working with me.</p> <p>6 And -- what was your question?</p> <p>7 Q What's the name of the marketing</p> <p>8 company?</p> <p>9 A Elite Services.</p> <p>10 MR. FRIEDMAN: Elite Physician</p> <p>11 Services.</p> <p>12 A Elite Physician Services.</p> <p>13 Q Where are they located?</p> <p>14 A I think they are based in Jersey.</p> <p>15 Q You are still using them?</p> <p>16 A Yes.</p> <p>17 Are you talking about right now or</p> <p>18 talking about in the past?</p> <p>19 Q Right now.</p> <p>20 A Right now only them.</p> <p>21 Q Do you have any contract with them?</p> <p>22 A Yes, I do.</p> <p>23 Q Can you describe the contract?</p> <p>24 A Yes. Sure.</p> <p>25 These people, they are not -- they</p>	<p style="text-align: right;">32</p> <p>1 A. Pinkhasov</p> <p>2 supposed to help me out with events, introduction</p> <p>3 with doctors.</p> <p>4 Majority what I keep in this specific</p> <p>5 company for the events because that's what they</p> <p>6 good for, to put all the doctors in one room and</p> <p>7 the little networking events, all this really</p> <p>8 helps.</p> <p>9 That's the main thing why I really got</p> <p>10 them. Everything else -- events.</p> <p>11 Q How do you get business?</p> <p>12 A That's interesting. I work a lot. I</p> <p>13 meet these doctors all the time.</p> <p>14 Myself -- majority myself I always ask</p> <p>15 any doctor whoever worked with any orthopedic</p> <p>16 surgeons for introduction.</p> <p>17 I take those meetings 24 hours a day.</p> <p>18 Dinners, lunches. You name it. I'm always there.</p> <p>19 All the events, I try to not even miss</p> <p>20 one event.</p> <p>21 Q Do you take these doctors out to</p> <p>22 dinners and lunches?</p> <p>23 A Most of the time I try to have it in</p> <p>24 their offices because orthopedic surgeons, they</p> <p>25 are extremely busy people and it's so difficult to</p>

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1 A. Pinkhasov
 2 take them out.
 3 Q You bring them a lunch or dinner?
 4 A Yes, we do. Yes. I would say yes, we
 5 do, but again, it's only in the offices.
 6 Majority in the office, and a lot of
 7 times I meet these people at events.
 8 Q What kind of events?
 9 A Networking events. Lawyers throw some
 10 events. A lot of lawyers throw the events. A lot
 11 of doctors throw events. A lot of surgical
 12 centers throw events. I try to be there all the
 13 time.
 14 Q Do you provide any sort of
 15 compensation to these doctors in the form of
 16 gifts --
 17 A No, no.
 18 Q -- or anything else?
 19 A No.
 20 Q Just lunches and dinners?
 21 A Simple stuff. They don't need my
 22 gifts. Orthopedic surgeons, they don't need my
 23 gifts.
 24 Q Can you tell us the names of some of
 25 the doctors that you work with?

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1 A. Pinkhasov
 2 A Sure. All of them or -- I might skip
 3 some of them.
 4 Q How many do you typically do business
 5 with?
 6 A Let me give you some names. If I
 7 remember more down the line.
 8 Emanuel Hostin.
 9 MR. FRIEDMAN: Not Houston.
 10 A H --
 11 MR. FRIEDMAN: I think it's
 12 H-O-S-T-O-N.
 13 MR. EGOR: Like Houston Street.
 14 I have H-O-S-T-I-N.
 15 A Ken McCulloch.
 16 MR. EGOR: M-C-C-U-L-L-O-C-H.
 17 A Who else we have?
 18 Katzman, Barry Katzman. Dr. Dassa
 19 (phonetic).
 20 Who else do we have? Let me think.
 21 Jason Bain (phonetic).
 22 That's pretty much it. Yes, that's
 23 pretty much it.
 24 Again, if I miss some we will mention
 25 it --

35

1 A. Pinkhasov
 2 Q What about any particular clinics, or
 3 you say surgery centers, are there any surgery
 4 centers or clinics that you do business with?
 5 A No, no financial interest.
 6 Q It's through the doctor, then, you
 7 have the source of referrals?
 8 A Yes.
 9 Q Do you provide the doctors with any
 10 samples?
 11 A Of?
 12 Q Your equipment.
 13 A In the meeting, yes, they always want
 14 to see what we are using, yes.
 15 MR. FRIEDMAN: To clarification, do
 16 you provide them rather than show them?
 17 I think you mean you leave them --
 18 Q Right.
 19 Give them a sample and say "that's for
 20 you to keep"?
 21 A No. When I'm going -- when I'm taking
 22 the meeting --
 23 THE WITNESS: Thank you, Russell.
 24 A When I'm going -- when I'm taking the
 25 meeting, a lot of times I'm asking my techs or

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1 A. Pinkhasov
 2 somebody with me who knows how to use the machine
 3 just to try them what we use because orthopedic
 4 surgeons, they are a little bit -- they are in a
 5 different world, so we just show them what it is,
 6 how it is, but we don't leave them anything. They
 7 don't need to.
 8 Q Go back a quick second to Defendant's
 9 Exhibit M.
 10 Can you just tell us what that is?
 11 A That's the CPM unit for a knee.
 12 That's a knee CPM unit.
 13 Q What is this one?
 14 A Same thing.
 15 Q So, you would bring that sort of unit
 16 to a doctor's office or to one of these events?
 17 A Not event. To the doctor's office.
 18 When I'm going to those meetings, for
 19 example, what I do is I leave the unit in the car,
 20 we having a conversation, we try to tell them how
 21 good we are, what we do, how we are on time with
 22 everything, and we ask them, like, "Listen, we
 23 have a brand new unit, that's what we are going to
 24 use for your patient," and that's the truth.
 25 We have a -- we have a new unit, so we

<p style="text-align: right;">37</p> <p>1 A. Pinkhasov</p> <p>2 just -- if they want to see it we show them.</p> <p>3 Q What percentage would you say are</p> <p>4 currently new versus used?</p> <p>5 A Majority. Majority.</p> <p>6 Q More than 50, 60?</p> <p>7 A More than 70, 80 percent. Majority</p> <p>8 new.</p> <p>9 Q That's CTUs?</p> <p>10 A CTUs, they are all new.</p> <p>11 CPMs, I would say the expensive one,</p> <p>12 the shoulders one, they all new, maybe one, maybe.</p> <p>13 Knee, that's like 60 percent new, I</p> <p>14 would say.</p> <p>15 Again, I might be mistaken, but that's</p> <p>16 what I think.</p> <p>17 Q You mentioned you do advertising</p> <p>18 yourself?</p> <p>19 A No, I don't do advertising in any</p> <p>20 newspapers or anything like this.</p> <p>21 No, I don't have anything like this,</p> <p>22 but we do marketing and I use one of the company.</p> <p>23 I think it's helping me a lot. It's called New</p> <p>24 Millennium, so they just have my stickers. I</p> <p>25 don't have it. I forgot my photographs.</p>	<p style="text-align: right;">38</p> <p>1 A. Pinkhasov</p> <p>2 In the cars they have like a news</p> <p>3 service. Have a limo service and two or three</p> <p>4 cars with the driver and I personally see them all</p> <p>5 the time somewhere in the city.</p> <p>6 Q How do these marketing agreements work</p> <p>7 in terms of compensation?</p> <p>8 How are the companies paid?</p> <p>9 A On a monthly basis.</p> <p>10 Q You pay them a monthly fee?</p> <p>11 A A monthly fee.</p> <p>12 Q How much?</p> <p>13 A I used to pay them \$3,000 a month.</p> <p>14 Now I pay them, I think we went up \$1,000. It's</p> <p>15 \$4,000.</p> <p>16 Q That's for both companies networking?</p> <p>17 A For one company.</p> <p>18 Q Elite Physicians?</p> <p>19 A No. Talking about the company I just</p> <p>20 mentioned a few minutes ago.</p> <p>21 Q New Millennium.</p> <p>22 You are paying them \$4,000 a month?</p> <p>23 A Yes.</p> <p>24 Q Put signs --</p> <p>25 A On the cars, like he got a limo and</p>
<p style="text-align: right;">39</p> <p>1 A. Pinkhasov</p> <p>2 car service so he put the big stickers on the</p> <p>3 cars.</p> <p>4 Q What about Elite Physicians, how much</p> <p>5 do you pay them?</p> <p>6 A Four and-a-half thousand dollars per</p> <p>7 month.</p> <p>8 Per month, yes, straight fee.</p> <p>9 Q That's primarily to introduce you at</p> <p>10 different marketing events?</p> <p>11 A And I have to cover all the expense,</p> <p>12 but so far there was no expense.</p> <p>13 Q Are the events held locally, do you</p> <p>14 have to travel?</p> <p>15 A I do have to travel a lot. Those</p> <p>16 events can be in Jersey, a lot of times Manhattan,</p> <p>17 and everywhere, Long Island. It's happened all</p> <p>18 the time. It's always different areas.</p> <p>19 Q So, what's the process of getting a</p> <p>20 referral for a DME rental?</p> <p>21 A What do you mean by process?</p> <p>22 Q In other words, you mentioned those</p> <p>23 doctors before.</p> <p>24 Those are the doctors that are the</p> <p>25 source of your referral?</p>	<p style="text-align: right;">40</p> <p>1 A. Pinkhasov</p> <p>2 A Yes.</p> <p>3 Q How does that happen, do you get a</p> <p>4 phone call?</p> <p>5 A It's happened differently. Not only</p> <p>6 doctors, but, I mean, we have like DGO or Med</p> <p>7 Focus was the company who a lot of times also</p> <p>8 calls for the patients.</p> <p>9 Q Who's Med Focus?</p> <p>10 A It's a third-party guys. They are</p> <p>11 huge in the market.</p> <p>12 So, they actually -- they in the</p> <p>13 Workers' Comp world, and if they have patients</p> <p>14 they just send out.</p> <p>15 I mean, they just call and stuff like</p> <p>16 this, but --</p> <p>17 Q So, they don't --</p> <p>18 A They are more like Workers' Comp</p> <p>19 world. Go back to your --</p> <p>20 Q How much of your business is related</p> <p>21 to No-Fault business versus Workers' Comp</p> <p>22 business?</p> <p>23 A Always changes, but I would say</p> <p>24 minimum 30 percent of Workers' Comp I have.</p> <p>25 Q And the rest is No-Fault?</p>

<p style="text-align: right;">41</p> <p>1 A. Pinkhasov</p> <p>2 A Rest is No-Fault, yes.</p> <p>3 Q So, a doctor would contact Med Focus</p> <p>4 and then Med Focus would contact you?</p> <p>5 A Not doctor direct.</p> <p>6 If doctor think he needs -- somebody</p> <p>7 needs our service, this, he ask these girls, the</p> <p>8 girls contact us, because doctors wants to be --</p> <p>9 doctors usually on top of it, how we do it because</p> <p>10 they worry about the patients.</p> <p>11 CPM and cold therapy, because they</p> <p>12 want us to deliver it on time, especially CPMs,</p> <p>13 CTUs, because cold therapy after surgery, the cold</p> <p>14 thing you put on your shoulder, you put on your</p> <p>15 knee, not to have the swelling, swollen and stuff</p> <p>16 like this, so they call us up and fax the scripts.</p> <p>17 Q Prescription?</p> <p>18 A The scripts, and we just deliver it</p> <p>19 within 24 to 48 hours.</p> <p>20 Q Do you ever deliver before you get the</p> <p>21 prescriptions?</p> <p>22 A No.</p> <p>23 Q The prescriptions are coming from the</p> <p>24 doctor's office?</p> <p>25 A Or the patient or from those companies</p>	<p style="text-align: right;">42</p> <p>1 A. Pinkhasov</p> <p>2 like Med Focus. Sometimes DGO call us and say</p> <p>3 they got a patient, because they sold us some</p> <p>4 machines and we have them, and anybody need it,</p> <p>5 they call us up. If we have a patient they just</p> <p>6 come like that.</p> <p>7 Q What percentage of prescriptions come</p> <p>8 from patients?</p> <p>9 A I'm not sure. I wouldn't say right</p> <p>10 now because I'm not on the phone all the time and</p> <p>11 I'm not next door phoning and I wouldn't be able</p> <p>12 to say.</p> <p>13 Q Can you estimate percentages of</p> <p>14 prescriptions from doctors?</p> <p>15 A The doctors majority.</p> <p>16 Q What about the percentages from Med</p> <p>17 Focus and DGO?</p> <p>18 A Not a lot, but we do have calls all</p> <p>19 the time, but not a lot.</p> <p>20 Q So, you get a phone call from one of</p> <p>21 these parties and then you will get a fax of the</p> <p>22 prescription --</p> <p>23 A Yes.</p> <p>24 Q -- telling you where to go or where</p> <p>25 the patient is located?</p>
<p style="text-align: right;">43</p> <p>1 A. Pinkhasov</p> <p>2 A They give us the information of the</p> <p>3 patient. We have to contact the patient.</p> <p>4 They give us addresses and the scripts</p> <p>5 for how many weeks or how many days they have to</p> <p>6 use.</p> <p>7 Q Who creates the forms for the</p> <p>8 prescriptions, is that created by the doctor, by</p> <p>9 the company, someone else?</p> <p>10 A Okay. Some of them we created</p> <p>11 ourselves.</p> <p>12 We show the doctor, because a lot of</p> <p>13 those doctors, they -- I would say they are</p> <p>14 extremely busy and they don't want to deal with a</p> <p>15 lot of stuff, so we kind of create the form, going</p> <p>16 to those doctors, show them. If they okay with</p> <p>17 some of them, we leave it with them.</p> <p>18 Again, not all of them. Some of them</p> <p>19 it's just a regular scripts. We pretty much</p> <p>20 follow the doctors, whatever they feel is easier</p> <p>21 for them.</p> <p>22 Q Let me see if I can find a --</p> <p>23 MR. FRIEDMAN: Sample.</p> <p>24 A If you don't have we will get you some</p> <p>25 samples.</p>	<p style="text-align: right;">44</p> <p>1 A. Pinkhasov</p> <p>2 Q Do you also create any other forms or</p> <p>3 templates for, example, delivery?</p> <p>4 A It's not us, we just fix them. I</p> <p>5 mean, it's not us doing it.</p> <p>6 We got them from -- I got them from</p> <p>7 previous company, from the people I got the</p> <p>8 business from, but we make some changes, we add</p> <p>9 some stuff and we took some stuff out of it, yes.</p> <p>10 Q This is Defendant's Exhibit K.</p> <p>11 Take a look at that.</p> <p>12 MR. FRIEDMAN: Sure.</p> <p>13 Q Tell us if you can identify that form.</p> <p>14 A Yes.</p> <p>15 Q Did your company make that form or is</p> <p>16 it something that you were trying to explain,</p> <p>17 someone else created?</p> <p>18 A Someone else was creating that.</p> <p>19 Previous company, people who I know, friends in</p> <p>20 this business, but again, we make a lot of changes</p> <p>21 and we build it up the way you see it right now.</p> <p>22 This is our form, yes.</p> <p>23 Q What's the procedure filling out this</p> <p>24 form, in other words, when is this information</p> <p>25 entered into the form?</p>

<p style="text-align: right;">45</p> <p>1 A. Pinkhasov</p> <p>2 A The most important thing, like I</p> <p>3 mentioned before, is what the doctor want. Let's</p> <p>4 say it's everything, all the things we do over</p> <p>5 here, we just -- make it easier for doctor. He</p> <p>6 just circle it, the body part, elbow, shoulder,</p> <p>7 knee, finger and anything else.</p> <p>8 All the information, all the doctors</p> <p>9 and all the forms we have we have HIPAA release</p> <p>10 forms, in every single file we have it, so every</p> <p>11 time we go the patient have to fill out, give the</p> <p>12 HIPAA release form.</p> <p>13 Q Let me show you Defendant's Exhibit H.</p> <p>14 At the top it says Prescription and Letter of</p> <p>15 Medical Necessity.</p> <p>16 Can you identify that?</p> <p>17 A Yes.</p> <p>18 Q Is that one of your forms?</p> <p>19 A You mean I billed it myself?</p> <p>20 Q Yes, the template, not what's written</p> <p>21 in there.</p> <p>22 A The template is ours, yes.</p> <p>23 Q How did you come up with the dates,</p> <p>24 because there are dates written in here that are</p> <p>25 typed in, CPM duration, four to six weeks, CTU</p>	<p style="text-align: right;">46</p> <p>1 A. Pinkhasov</p> <p>2 duration, two weeks?</p> <p>3 A Not us, the doctor.</p> <p>4 Q The doctor types that out?</p> <p>5 A No.</p> <p>6 Q That's not preprinted on the form?</p> <p>7 A Oh, that's -- okay.</p> <p>8 You are talking about this</p> <p>9 (indicating)?</p> <p>10 Q Yes.</p> <p>11 MR. FRIEDMAN: Stop.</p> <p>12 Let the record reflect, because the</p> <p>13 reporter can't show you're pointing, let</p> <p>14 the record reflect my client was pointing</p> <p>15 to a page on the exhibit where it refers at</p> <p>16 the top of the page to Prescription and</p> <p>17 Letter of Medical Necessity, and there is</p> <p>18 some preprinted language on there, and then</p> <p>19 there is a typed line that says CPM</p> <p>20 duration, four to six weeks, and that's</p> <p>21 what he was pointing to, and that way he</p> <p>22 can reference that during his answer.</p> <p>23 A And CTU, two weeks.</p> <p>24 Okay. Let's say when we meet the</p> <p>25 doctor and we speak to him, like they have the</p>
<p style="text-align: right;">47</p> <p>1 A. Pinkhasov</p> <p>2 stamps over here (indicating).</p> <p>3 MR. FRIEDMAN: Let the record reflect</p> <p>4 my client is pointing to the bottom portion</p> <p>5 of the document that contains the referring</p> <p>6 doctor's name and address.</p> <p>7 A We ask the doctor what's the easy way</p> <p>8 to do it, and usually approximately was the usage,</p> <p>9 because all the doctors using and need a different</p> <p>10 timeframe.</p> <p>11 Let's say some doctors use it three</p> <p>12 weeks, some of them six weeks, some of them use it</p> <p>13 for only five weeks.</p> <p>14 They want us to make these things,</p> <p>15 yes, we write it down based on what they say for</p> <p>16 usage.</p> <p>17 If, let's say, a lot of times happen</p> <p>18 they want to use it for more, they just cross it</p> <p>19 out because that patient have more complication,</p> <p>20 let's say, on the shoulder, whatever it is. I'm</p> <p>21 not a doctor.</p> <p>22 They just cross it out and put amount,</p> <p>23 but it not happen often because that's what they</p> <p>24 are comfortable with.</p> <p>25 Q What you are saying is --</p>	<p style="text-align: right;">48</p> <p>1 A. Pinkhasov</p> <p>2 MR. FRIEDMAN: Could I take one</p> <p>3 second?</p> <p>4 MR. EGOR: Yes.</p> <p>5 (Recess taken.)</p> <p>6 Q I think I was still completing a</p> <p>7 question, which it was my understanding is, and</p> <p>8 correct me if I'm wrong, is the form that we are</p> <p>9 referring to was typed out based on the advice of</p> <p>10 the doctor or your communication with the</p> <p>11 doctor --</p> <p>12 A Yes, that's right.</p> <p>13 Q -- with respect to the date ranges?</p> <p>14 A Let's say I meet with the doctor and</p> <p>15 ask him what's the easiest ways for him to do it.</p> <p>16 We usually prefer scripts because it's easier, but</p> <p>17 sometimes they say, "No, no, I have no time.</p> <p>18 Just give me a form."</p> <p>19 We ask the gentleman, "What you want</p> <p>20 us to put on the form?" Meaning, if you using</p> <p>21 knee or using shoulders or using ankles or -- no,</p> <p>22 only using for knee or for shoulders, put</p> <p>23 everything here, and what's the time, usually four</p> <p>24 to six or three weeks or five weeks.</p> <p>25 Based on what they say we put, but in</p>

<p style="text-align: right;">49</p> <p>1 A. Pinkhasov</p> <p>2 case they need something extra or less they just</p> <p>3 cross it out and in handwriting they put numbers</p> <p>4 over here (indicating).</p> <p>5 Q So, for instance, on that particular</p> <p>6 document you say there is a duration of four to</p> <p>7 six weeks with a CPM?</p> <p>8 A For CPM and CTU, two weeks.</p> <p>9 Q How do you decide if it's four weeks,</p> <p>10 five weeks or six weeks, who makes that decision?</p> <p>11 A Never decided. That's the rules in my</p> <p>12 company. A doctor send us between four to six</p> <p>13 weeks.</p> <p>14 What does that mean, between four to</p> <p>15 six?</p> <p>16 If the patient got better, four is</p> <p>17 enough. That's what it's supposed to be.</p> <p>18 The way we do it is this. We deliver</p> <p>19 it to a patient, our unit. Then we call them back</p> <p>20 asking how he is feeling, how he doing, if he</p> <p>21 likes our service or not. That's the method.</p> <p>22 We must call them, my girls, right</p> <p>23 after somebody leaving they call every single</p> <p>24 patient just to find out if we provide the right</p> <p>25 service, if they understood everything, how the</p>	<p style="text-align: right;">50</p> <p>1 A. Pinkhasov</p> <p>2 machine work, how that work, this work.</p> <p>3 I would say two weeks later we</p> <p>4 supposed to call. I don't remember, two weeks, a</p> <p>5 week or three weeks, but during that range</p> <p>6 between, I would say, ten days and three weeks, we</p> <p>7 call the patient and ask him how he is doing, if</p> <p>8 he is still using the machine, if he is</p> <p>9 progressing okay, if the machine is really</p> <p>10 working. That's the regulation we have.</p> <p>11 Let's say patient say, "You know what</p> <p>12 guys, I don't use it, I don't need it." We</p> <p>13 schedule within 24 hours, we schedule a pickup</p> <p>14 time.</p> <p>15 What it says on this paper, right</p> <p>16 here, and you want to announce that again</p> <p>17 (indicating).</p> <p>18 MR. FRIEDMAN: Referring to Exhibit L.</p> <p>19 A (Continuing) What it says right</p> <p>20 here -- thank you, sir.</p> <p>21 What it says right here. If you have</p> <p>22 any question, machine is broken, and you are not</p> <p>23 using this anymore, they will have to call this</p> <p>24 number for pickup.</p> <p>25 Q For the record, the language written</p>
<p style="text-align: right;">51</p> <p>1 A. Pinkhasov</p> <p>2 in this stamp which is on the machine?</p> <p>3 A Every single machine.</p> <p>4 Q It says, "If you have any questions,</p> <p>5 if the machine is broken and you need a repair, or</p> <p>6 if you want to return the machine, please contact</p> <p>7 us," and it has their phone number.</p> <p>8 We earlier mentioned the Accelerated</p> <p>9 DME name.</p> <p>10 A That's right.</p> <p>11 Now, besides that, when we bring them</p> <p>12 our form they have a HIPAA release form mandatory</p> <p>13 and they have to sign this paper, they understood.</p> <p>14 If they don't use it anymore, or</p> <p>15 something like this, they have to call us back and</p> <p>16 let us know about that.</p> <p>17 Besides that, we give them a call</p> <p>18 that, I mentioned before, during this period one</p> <p>19 or twice.</p> <p>20 Q So, there are instances where a</p> <p>21 patient would return the machine early --</p> <p>22 A Yes.</p> <p>23 Q -- before the four to six weeks are</p> <p>24 up, or before the six weeks are up?</p> <p>25 A Yes.</p>	<p style="text-align: right;">52</p> <p>1 A. Pinkhasov</p> <p>2 Q Do you reflect that in your billing --</p> <p>3 A No.</p> <p>4 Q -- to GEICO?</p> <p>5 A No.</p> <p>6 Q In other words, do you bill GEICO for</p> <p>7 six weeks if the patient returns it after four</p> <p>8 weeks?</p> <p>9 A No, no.</p> <p>10 If the patient use it for two days I'm</p> <p>11 only bill GEICO for two days.</p> <p>12 A lot of time I'm not even bill for</p> <p>13 two days, but let's say if the patient use it for</p> <p>14 ten days I only bill GEICO for ten days. That's</p> <p>15 the bottom line.</p> <p>16 Q When a piece of equipment is</p> <p>17 delivered, what's the procedure with respect to</p> <p>18 assembling it or demonstrating it to the patient,</p> <p>19 does that go on?</p> <p>20 A Every single technician have to get to</p> <p>21 a patient, assemble it, which is the easiest thing</p> <p>22 to do. It doesn't take that long.</p> <p>23 Have to spend enough time for the</p> <p>24 patient to understand how to use the device.</p> <p>25 And I will repeat myself, after that,</p>

<p style="text-align: right;">53</p> <p>1 A. Pinkhasov</p> <p>2 when he leaves, I know they spend an average an</p> <p>3 hour in every single house.</p> <p>4 I might be wrong because I'm not</p> <p>5 physically next to them, but that's approximately</p> <p>6 what they use.</p> <p>7 When they leave the house within 24</p> <p>8 hours, that's the service we provide. We call the</p> <p>9 patient back to find out if he understand clearly</p> <p>10 how to use it.</p> <p>11 If not, the same person or another</p> <p>12 person, in case he is on vacation or something or</p> <p>13 he left, have to go back and re-explain it to that</p> <p>14 gentleman again.</p> <p>15 Doesn't happen that often.</p> <p>16 Q Do you have a questionnaire that's</p> <p>17 completed?</p> <p>18 A Right next to you.</p> <p>19 Q Defendant's Exhibit J, I show it to</p> <p>20 you, can you describe what that is?</p> <p>21 A If -- that's pretty much it. If they</p> <p>22 understand how to use the machine. If my</p> <p>23 technician show them if it's the right way to do</p> <p>24 it.</p> <p>25 That's pretty much it.</p>	<p style="text-align: right;">54</p> <p>1 A. Pinkhasov</p> <p>2 Q Is this form completed in the presence</p> <p>3 of the patient?</p> <p>4 A Yes.</p> <p>5 Q The patient signs it?</p> <p>6 A Sign it.</p> <p>7 Q This is a questionnaire?</p> <p>8 A Yes.</p> <p>9 Q Who came up with the questions in the</p> <p>10 questionnaire?</p> <p>11 A Again, that's how some of those</p> <p>12 things -- some of those stuff, maybe more, maybe</p> <p>13 less, and we added more, it was with the previous</p> <p>14 company and we build it up something -- I mean, we</p> <p>15 just made some changes.</p> <p>16 Q When you say previous company, you</p> <p>17 mean Triple AMG?</p> <p>18 A Before that when I was -- I mentioned</p> <p>19 before I do this business from other providers,</p> <p>20 show me this business, but these people no longer</p> <p>21 in business anymore. I use this from them.</p> <p>22 Q What is the name of those other</p> <p>23 providers?</p> <p>24 A I forgot it. A long time ago, but not</p> <p>25 in business anymore.</p>
<p style="text-align: right;">55</p> <p>1 A. Pinkhasov</p> <p>2 Q You did not work for them?</p> <p>3 A I supposed to start working for them,</p> <p>4 but then I just decided to go on my own.</p> <p>5 Q How did you come up with the business</p> <p>6 plan of renting CPMs and CTUs?</p> <p>7 A From the same people. I saw what they</p> <p>8 do. I like that idea. I went on my own.</p> <p>9 Q Do you know the names of these folks?</p> <p>10 A Of course I do. His name is Ginady</p> <p>11 (phonetic), but again, he is not in this business</p> <p>12 anymore for a long time.</p> <p>13 Q What's his last name?</p> <p>14 A I wish to know.</p> <p>15 Caesar Knife (phonetic), but again, I</p> <p>16 might be wrong. It was a long time ago. I'm not</p> <p>17 in contact with these people.</p> <p>18 Q Do you know if the prescriptions are</p> <p>19 received by you before or after the surgeries are</p> <p>20 performed on the patients?</p> <p>21 A Some of them. Some of the scripts</p> <p>22 comes before -- let me think.</p> <p>23 I don't know. It's happened sometimes</p> <p>24 they might send it before, but majority after.</p> <p>25 Q What are the circumstances of when you</p>	<p style="text-align: right;">56</p> <p>1 A. Pinkhasov</p> <p>2 might receive a prescription before the surgery</p> <p>3 takes place?</p> <p>4 A You know what, I think it's after.</p> <p>5 You know what, it's after. After</p> <p>6 surgery.</p> <p>7 Q It is after?</p> <p>8 A Majority is after.</p> <p>9 Maybe happen one or two percent out of</p> <p>10 100, but majority is after.</p> <p>11 A lot -- because I will tell you why.</p> <p>12 A lot of those doctors don't know what is really</p> <p>13 inside a patient, and a lot of those -- in those</p> <p>14 cases, for example, with shoulder, when they have</p> <p>15 a repair, they have to repair the shoulder, we</p> <p>16 cannot really deliver it within one month or</p> <p>17 whatever the doctor decide.</p> <p>18 Q So, the few times that you receive the</p> <p>19 prescription before surgery, what was explained to</p> <p>20 you about why you were getting a prescription in</p> <p>21 advance of surgery?</p> <p>22 A When we talk about advance we are</p> <p>23 talking about the same date when they are going</p> <p>24 for the surgery. It's not like five p.m. It's</p> <p>25 nine in the morning.</p>

<p style="text-align: right;">57</p> <p>1 A. Pinkhasov</p> <p>2 Even when we get the scripts we always</p> <p>3 follow the girls. For instance -- by the way, I</p> <p>4 remember another gentleman who is working with us.</p> <p>5 His name is Dr. Wright. Dr. Wright.</p> <p>6 For instance, Dr. Wright, a few times</p> <p>7 send out the patient, but the rules is we have to</p> <p>8 contact the girls and the girls ask a doctor if we</p> <p>9 can deliver it or not.</p> <p>10 Q When you say "girls," do you mean</p> <p>11 girls who work in the doctor's office?</p> <p>12 A The girls who works in the doctor's</p> <p>13 office who is working with him all the time.</p> <p>14 Before we can deliver we have to have a green</p> <p>15 light from the doctor, meaning from that office.</p> <p>16 The way it works, they send it out,</p> <p>17 and then they let us know if we can deliver or</p> <p>18 not. A lot of times he just ignore the script.</p> <p>19 Q What do you mean "ignore the script"?</p> <p>20 A If he doesn't find needed for CPMs to</p> <p>21 be delivered. A lot of doctors sometimes, they</p> <p>22 are not prescribed for every single one. Whatever</p> <p>23 they feel they need it.</p> <p>24 Q If you have a prescription before the</p> <p>25 surgery --</p>	<p style="text-align: right;">58</p> <p>1 A. Pinkhasov</p> <p>2 A We are talking about before the</p> <p>3 surgery?</p> <p>4 Q You get a phone call that says ignore</p> <p>5 it after?</p> <p>6 A We call the office and ask if we can</p> <p>7 deliver this and this and this. When the doctor</p> <p>8 open up he knows if this person needs it or he</p> <p>9 don't. That's my understanding.</p> <p>10 Again, I'm not a doctor. I don't know</p> <p>11 how the whole process work.</p> <p>12 Q Do you do that before you deliver all</p> <p>13 your equipment?</p> <p>14 A With some specific doctors I have to</p> <p>15 check with the office, yes.</p> <p>16 Q But some of them you don't?</p> <p>17 A Some of them I don't, but they don't</p> <p>18 send me advance, they send me after.</p> <p>19 Q The ones you get in advance --</p> <p>20 A I have to check with them. I mean,</p> <p>21 that's the regulation. That's what the doctor</p> <p>22 tell us, because let's say my girl who is taking</p> <p>23 care of that, she is not working up to five or six</p> <p>24 or seven.</p> <p>25 The units have to be delivered,</p>
<p style="text-align: right;">59</p> <p>1 A. Pinkhasov</p> <p>2 especially cold therapy, in the same time because</p> <p>3 the cold therapy is the most important thing. I</p> <p>4 already explained myself about cold therapy.</p> <p>5 If the girl not there, and we call the</p> <p>6 doctor up and he say, "You know what, Joe Schmoe,</p> <p>7 we don't want you to deliver it. Just ignore it,"</p> <p>8 because it was not a complicated surgery, because</p> <p>9 it was a complicated surgery, because of any</p> <p>10 difficulty. We don't know.</p> <p>11 Sometimes when these people, when they</p> <p>12 say "don't deliver it," a month later they call us</p> <p>13 up and say, "We want you to deliver it," because</p> <p>14 it was a rotator cuff repair, or something like</p> <p>15 that.</p> <p>16 Q Can you give us your brief description</p> <p>17 of what these units do?</p> <p>18 You started mentioning what the cold</p> <p>19 therapy unit does.</p> <p>20 A CPMs.</p> <p>21 Q And CPMs. Just describe your</p> <p>22 understanding.</p> <p>23 A My understanding is they put all the</p> <p>24 muscles together. Let's say when you put a knee.</p> <p>25 Q For both?</p>	<p style="text-align: right;">60</p> <p>1 A. Pinkhasov</p> <p>2 A For both. Similar thing.</p> <p>3 First, to help the person to start</p> <p>4 moving his leg, not to have the swelling, and</p> <p>5 stuff like this.</p> <p>6 The second thing is just to put --</p> <p>7 again, I'm not a doctor, just assume to put all</p> <p>8 the muscles together, because don't forget, it's a</p> <p>9 cut over there, so when you put, let's say, on the</p> <p>10 knee, it stays in one direction, you don't really</p> <p>11 move your leg, you just follow whatever, the</p> <p>12 machine, machine is helping you.</p> <p>13 A lot of times we cannot really</p> <p>14 use it. We always start slow. Patient have to</p> <p>15 start slow and he always have to adjust, increase</p> <p>16 it if he can. Depends in his situation.</p> <p>17 Again, I'll go back, I'm not a doctor.</p> <p>18 I cannot really speak for them.</p> <p>19 Q I understand.</p> <p>20 Adjusting the machines, do these</p> <p>21 machines have to be adjusted for each patient and</p> <p>22 fitted?</p> <p>23 A No, but again, when we go there we try</p> <p>24 to explain this -- no, we don't have to adjust it.</p> <p>25 I don't think so.</p>

<p style="text-align: right;">61</p> <p>1 A. Pinkhasov</p> <p>2 We can show them what to do. We can</p> <p>3 adjust them to the shoulder level because people,</p> <p>4 some of them tall, some of them -- but it's not</p> <p>5 like really adjusting.</p> <p>6 Q The techs don't fit the equipment to</p> <p>7 the patient?</p> <p>8 A He fit based on the height, especially</p> <p>9 on the shoulder, but knee, no.</p> <p>10 Q They may fit the shoulder CPM?</p> <p>11 A But not a knee.</p> <p>12 Q But not a knee?</p> <p>13 A Uh-huh. It's pretty much because of</p> <p>14 the height.</p> <p>15 Q Knees are preset, every patient is the</p> <p>16 same?</p> <p>17 A Majority, yes, because, I mean, you</p> <p>18 can lay down, but the shoulders, when you sit in</p> <p>19 the chair, let's say I'm a short guy and you are a</p> <p>20 little taller than me and you have to be adjusted</p> <p>21 for the level over there.</p> <p>22 But again, it's not like adjusted,</p> <p>23 adjusted. It's more like --</p> <p>24 Q When your techs pick up the equipment</p> <p>25 do they fill out the delivery receipt we marked as</p>	<p style="text-align: right;">62</p> <p>1 A. Pinkhasov</p> <p>2 Defendant's K?</p> <p>3 A Yes, sure.</p> <p>4 Q Do they fill it out in the patient's</p> <p>5 presence?</p> <p>6 A Right in front.</p> <p>7 Q Patient signs it?</p> <p>8 A Yes.</p> <p>9 Q And dated the same date they pick it</p> <p>10 up?</p> <p>11 A Yes.</p> <p>12 Q Is that the end date from when you</p> <p>13 bill GEICO, the date that's shown --</p> <p>14 A It's a delivery receipt.</p> <p>15 Q This is a delivery receipt. Strike</p> <p>16 that.</p> <p>17 Do you have a receipt showing when</p> <p>18 it's picked up?</p> <p>19 A Yes, we do. I will present that to</p> <p>20 you.</p> <p>21 Q Same question, is that pickup receipt</p> <p>22 signed by the patient?</p> <p>23 A Yes.</p> <p>24 Q And dated the same date they pick it</p> <p>25 up?</p>
<p style="text-align: right;">63</p> <p>1 A. Pinkhasov</p> <p>2 A Sure.</p> <p>3 Q Does it look like this form that says</p> <p>4 "pick up" pretty much?</p> <p>5 A Yes.</p> <p>6 Q So, you are billing, the rental</p> <p>7 timeframe would begin and end where, would it</p> <p>8 correspond to the dates on these receipts?</p> <p>9 A On the pickup receipt, I will present</p> <p>10 to you. It will say the date when we picked up,</p> <p>11 and the delivery you have a date --</p> <p>12 Q We start with a date on the delivery</p> <p>13 receipt?</p> <p>14 A Ended on the pickup. Let's say it</p> <p>15 happen we pick it up later, but it doesn't mean we</p> <p>16 bill the insurance company.</p> <p>17 Q You charge a certain amount per day</p> <p>18 for each piece of equipment?</p> <p>19 A Yes.</p> <p>20 Q How do you derive the charges?</p> <p>21 MR. FRIEDMAN: Any particular</p> <p>22 equipment you want to refer to?</p> <p>23 Q We'll break it down. Let's go with</p> <p>24 the CPM for shoulder.</p> <p>25 A CPM for the shoulder. Okay. It's not</p>	<p style="text-align: right;">64</p> <p>1 A. Pinkhasov</p> <p>2 in your fee schedule, this item.</p> <p>3 It was difficult for us to find where</p> <p>4 this thing -- how to bill it, so we buy every year</p> <p>5 book.</p> <p>6 Again, I will provide you with this</p> <p>7 book. It says all the CPT codes.</p> <p>8 Q Is it called Ingenix?</p> <p>9 A It's called Optimum.</p> <p>10 Q Optimum?</p> <p>11 A Optimum.</p> <p>12 So, this book, every year we buy it</p> <p>13 and we base our coding on that book.</p> <p>14 Q Based on what the fees are in this</p> <p>15 book called Optimum?</p> <p>16 A Yes.</p> <p>17 Q What is your understanding of what</p> <p>18 this Optimum book is?</p> <p>19 A I mean, they do their own research.</p> <p>20 It's a published company who does the research for</p> <p>21 some items, not scheduled items like our item, for</p> <p>22 example.</p> <p>23 So, that's pretty much it.</p> <p>24 Q Does it show you the usual and</p> <p>25 customary prices for this sort of equipment in</p>

<p style="text-align: right;">65</p> <p>1 A. Pinkhasov</p> <p>2 this region where it is being rented?</p> <p>3 A Yes.</p> <p>4 Q Is it broken down by state?</p> <p>5 A Broken down by state.</p> <p>6 It's higher states, like more</p> <p>7 expensive state like New York, Chicago, anything</p> <p>8 like this, big state.</p> <p>9 It doesn't say state, but it's</p> <p>10 categories of states.</p> <p>11 Q Do you know what the book says for the</p> <p>12 shoulder CPM?</p> <p>13 A Yes. The shoulder, it's called E0936,</p> <p>14 and it says in this region that's how much we can</p> <p>15 bill.</p> <p>16 Q How much?</p> <p>17 A 88 dollar a day.</p> <p>18 Q Do you ever bill 85 dollars a day?</p> <p>19 A 85 dollars a day, no, I don't think</p> <p>20 so.</p> <p>21 Q Let me refresh your recollection.</p> <p>22 Defendant's Exhibit G, it's a bill. I will let</p> <p>23 you see if you can identify it.</p> <p>24 Ignore the Post-It, that's mine.</p> <p>25 A Maybe I am mistaken. It's 85 dollar a</p>	<p style="text-align: right;">66</p> <p>1 A. Pinkhasov</p> <p>2 day.</p> <p>3 Q I show you another exhibit then,</p> <p>4 Defendant's Exhibit F.</p> <p>5 Again, take a look, see if you can</p> <p>6 identify it.</p> <p>7 Ignore the Post-It, that's mine. Look</p> <p>8 through it.</p> <p>9 A Can I see the dates?</p> <p>10 MR. FRIEDMAN: Are these different</p> <p>11 timeframes?</p> <p>12 MR. EGOR: Perhaps. Maybe that will</p> <p>13 explain it.</p> <p>14 A Perhaps maybe I can see the dates. I</p> <p>15 will check right now, because every year it</p> <p>16 changes.</p> <p>17 So, if we check the dates right now it</p> <p>18 will be -- I think it's going to be the</p> <p>19 explanation why it's different.</p> <p>20 So, you want me to check the dates</p> <p>21 right now?</p> <p>22 Q Go ahead.</p> <p>23 MR. FRIEDMAN: Please.</p> <p>24 A This one is for 2013. It seems</p> <p>25 familiar to me, 2013, and this one, it's more --</p>
<p style="text-align: right;">67</p> <p>1 A. Pinkhasov</p> <p>2 2014, I believe so.</p> <p>3 Again, let me see what is the date. I</p> <p>4 think 2014 it went up a little bit. Again, I can</p> <p>5 be mistaken.</p> <p>6 Again -- that's the knee. E0935 is</p> <p>7 the shoulder.</p> <p>8 Did you put those things together?</p> <p>9 You know what, I think we mix it over</p> <p>10 here a lot of stuff. That's the shoulder.</p> <p>11 Timeframe. It depends on the year. 2013.</p> <p>12 Q 2013 rental would have been 85, 2014,</p> <p>13 and the price in the book is 88?</p> <p>14 A Our explanation, it depends on</p> <p>15 whatever the book says.</p> <p>16 Q How about the CPM for the knee, what</p> <p>17 do you charge for that?</p> <p>18 A I think 70 dollars a day, and 2014</p> <p>19 they went up. Used to be more.</p> <p>20 Then they dropped the price down in</p> <p>21 2012. Then they went up and then they went up.</p> <p>22 Q Let me show you two more exhibits, B</p> <p>23 and C, same questions.</p> <p>24 Can you identify it?</p> <p>25 I tabbed the parts of the bills that</p>	<p style="text-align: right;">68</p> <p>1 A. Pinkhasov</p> <p>2 show the pricing, and if you can reconcile those</p> <p>3 amounts.</p> <p>4 A 2013, I believe we used to bill 60</p> <p>5 dollars, and that's what I think is correct one.</p> <p>6 MR. FRIEDMAN: Refer to what exhibit</p> <p>7 that's in.</p> <p>8 A That's Exhibit --</p> <p>9 Q It was Exhibit B.</p> <p>10 A Exhibit B and Exhibit C, 2014, yes.</p> <p>11 Q How much is that?</p> <p>12 A I think 70 dollars, but I want to</p> <p>13 recheck right now. For some reason we don't have</p> <p>14 that page over here.</p> <p>15 Seventy dollars. Because, again, it's</p> <p>16 the time, 2013, 2014.</p> <p>17 Q That was the knee.</p> <p>18 How about the pricing for --</p> <p>19 A Ankle?</p> <p>20 Q Yes, and ankle.</p> <p>21 A Ankle, what it says in that book --</p> <p>22 again, I will provide that book to you guys for</p> <p>23 you to see it.</p> <p>24 MR. FRIEDMAN: Or a copy of it anyway.</p> <p>25 A Or a copy.</p>

<p style="text-align: right;">69</p> <p>1 A. Pinkhasov</p> <p>2 It's called E0936. It's the shoulder</p> <p>3 and everything else.</p> <p>4 Knee have their own coding, E0935.</p> <p>5 It's for knee. That's what it says in that book.</p> <p>6 Q What about the ankle?</p> <p>7 A Ankle is E0936, shoulder and</p> <p>8 everything else including ankle.</p> <p>9 The only different coding they have is</p> <p>10 for knee, which is E0935. That's what it is.</p> <p>11 Q So, if it's anything other than the</p> <p>12 knee --</p> <p>13 A It's 0936.</p> <p>14 Q The prices you get --</p> <p>15 A From that book.</p> <p>16 Q Which is either 85 or 88?</p> <p>17 A Depending on the year and depending</p> <p>18 what they have for us.</p> <p>19 Again, we don't come up with prices.</p> <p>20 We follow.</p> <p>21 Q What about the CTU unit?</p> <p>22 A Okay. I know with CTUs, I know</p> <p>23 people, even my people who I took the business</p> <p>24 from, they charging different prices.</p> <p>25 We find the code on CTU. I'm not sure</p>	<p style="text-align: right;">70</p> <p>1 A. Pinkhasov</p> <p>2 what the number of the code, exactly what the code</p> <p>3 is.</p> <p>4 We charging 179. It's based on that</p> <p>5 book.</p> <p>6 I'm -- I don't want you to -- I don't</p> <p>7 want to say something wrong. I think it may be</p> <p>8 fee schedule. That's what it is.</p> <p>9 You know what, I don't want to answer</p> <p>10 it at this point.</p> <p>11 MR. FRIEDMAN: You don't want to be</p> <p>12 incorrect.</p> <p>13 A (Continuing) I don't want to be</p> <p>14 incorrect right now, so I will tell you where I</p> <p>15 get those prices from.</p> <p>16 Q You are saying the CTU prices are from</p> <p>17 a different source?</p> <p>18 A I think, because I think that's the</p> <p>19 schedule item. I believe, I may be mistaken</p> <p>20 again, but I want to go back. I think it's</p> <p>21 Medicaid fee schedule.</p> <p>22 I might be wrong, so I rather get back</p> <p>23 to you on this one.</p> <p>24 So, can you leave it blank and tell</p> <p>25 you exactly?</p>
<p style="text-align: right;">71</p> <p>1 A. Pinkhasov</p> <p>2 Q I have a sample here, Defendant's</p> <p>3 Exhibit I. Take a look where I tabbed.</p> <p>4 A Tab I is \$174.45.</p> <p>5 Q You believe that's the Medicaid fee</p> <p>6 schedule amount?</p> <p>7 A Again, I want to clarify that with</p> <p>8 you, but I think it's a schedule item.</p> <p>9 That's why we follow -- it's not in</p> <p>10 the book because it's a scheduled item, but again,</p> <p>11 I have to get back to you.</p> <p>12 Q You mentioned earlier that these bills</p> <p>13 are created by some of the women in your office?</p> <p>14 A Yes.</p> <p>15 Q When they create this bill it's also</p> <p>16 known as NF3 for the CTU, is there a date range of</p> <p>17 rental here?</p> <p>18 Can you explain how many days that's</p> <p>19 been rented?</p> <p>20 In other words, that number, this may</p> <p>21 relate to what you are explaining earlier, is that</p> <p>22 a lump sum?</p> <p>23 A It's a two-week rental.</p> <p>24 Q That's a two-week rental, so it would</p> <p>25 be divided by days to get the amount of per day --</p>	<p style="text-align: right;">72</p> <p>1 A. Pinkhasov</p> <p>2 A I believe so.</p> <p>3 Q -- what the rental is?</p> <p>4 A Again, I want to get back to you.</p> <p>5 It's something I want to be sure about because</p> <p>6 we --</p> <p>7 Q You can see on Exhibit B your bills</p> <p>8 all list out each particular day that the unit is</p> <p>9 rented and the daily charge.</p> <p>10 The CTU bill seems to have one amount</p> <p>11 and not indicating the days.</p> <p>12 A Got it.</p> <p>13 Q Dates and services.</p> <p>14 A I understand the question, and I just</p> <p>15 need some time to really get back to you on this</p> <p>16 one specific code.</p> <p>17 Q Looking at the bills in this column</p> <p>18 here, what does that mean, place of service 12?</p> <p>19 This is Exhibit B.</p> <p>20 A I wouldn't be able to answer that.</p> <p>21 Q Who fills this out, the girls?</p> <p>22 A The patient.</p> <p>23 Q Who enters that information?</p> <p>24 A The patient.</p> <p>25 Q The patient --</p>

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1 A. Pinkhasov
 2 A When we go inside we go inside with
 3 this and we just -- when the patient is there we
 4 just fill it out in front of them.
 5 Q Who creates the bill?
 6 A The girls in my office.
 7 Q The girls in the office, okay.
 8 They are the ones that are entering
 9 this information, such as the number 12 under
 10 place of service?
 11 A Yes.
 12 Q What about the code, do they enter the
 13 code?
 14 A They enter the codes.
 15 Q The numbers they are entering, as
 16 well?
 17 A Yes.
 18 Q They are getting that information from
 19 what you described earlier?
 20 A Yes.
 21 Q Do you know what the billing code
 22 modifier RR means?
 23 A Billing code modifier RR, no, I
 24 wouldn't be able to answer that.
 25 I can double-check and I can -- I'm

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1 A. Pinkhasov
 2 quite sure I will have an answer.
 3 Q If that's on one of your bills who
 4 would have come up with that information, the
 5 girls?
 6 A The girls and my previous partner.
 7 Q Now, this bill was for \$174.45 for the
 8 CTU date of service, 2014 -- let me show you this
 9 bill. It seems to be the same unit, same year of
 10 service, but a different amount.
 11 A Depends on the month. Because this
 12 book doesn't come out -- I will just check the
 13 number. Probably the month of service --
 14 Q Please explain that.
 15 A -- I think, and let me check that.
 16 Q This is the 174.
 17 A 174. I knew the answer right away.
 18 That depends on the month, because
 19 this book doesn't come up for first day or second
 20 day of the month, so it needs some time when we
 21 get it, and when we purchase it, when they come up
 22 with numbers, then we purchase it, so like we get
 23 it, then we adjust our prices.
 24 Q Are you talking about the Medicaid fee
 25 schedule?

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1 A. Pinkhasov
 2 A The book -- again, the reason I don't
 3 want to answer about the cold therapy unit,
 4 because I want to go back to my office and get
 5 exact information where I get the numbers.
 6 So, if we base on the book, the reason
 7 why in the same year could be different, it
 8 depends when Medicaid or Medicare fee schedule or
 9 when that book came out, and we just follow those
 10 numbers. We just follow them, not us.
 11 Q Are you able to identify any of the
 12 serial numbers on your billing documents?
 13 A No, not right now.
 14 I mean, I don't remember the serial
 15 numbers.
 16 Q I think earlier you talked about the
 17 log that you have that has serial numbers.
 18 Is that a way to specify the
 19 particular unit that's being rented to a
 20 particular patient?
 21 A We try to bill the system, like scan
 22 it, and it's going to go straight to my computer,
 23 but it's not there yet.
 24 Q Do your rental prices ever exceed the
 25 purchase price of the unit?

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1 A. Pinkhasov
 2 A What do you mean by that?
 3 Q In other words, at 88 dollars a day
 4 for six weeks, for 42 days, that's 3,000,
 5 according to my math, 696 dollars.
 6 Is that number in excess of some of
 7 the prices that you paid for a shoulder CPM?
 8 A Can I ask him for me to understand?
 9 MR. FRIEDMAN: In other words, are you
 10 asking an accumulative fashion or any one
 11 patient rental?
 12 MR. EGOR: In one patient.
 13 MR. FRIEDMAN: Because in theory,
 14 let's say you make a machine that costs
 15 \$4,000 and you rent it out and the rental
 16 is \$3,000 and you rent it out four times,
 17 clearly that exceeds the cost of the
 18 machine.
 19 MR. EGOR: I don't mean in the total
 20 amount of rental for that equipment.
 21 MR. FRIEDMAN: Any one rental cycle to
 22 one patient.
 23 You can answer that.
 24 A Can you explain for me to understand
 25 exactly?

<p style="text-align: right;">77</p> <p>1 A. Pinkhasov</p> <p>2 MR. FRIEDMAN: in layman's terms, is</p> <p>3 there a profit to you above the cost in a</p> <p>4 rental, because that would be a profit?</p> <p>5 THE WITNESS: There is a profit, yes.</p> <p>6 MR. FRIEDMAN: I would hope.</p> <p>7 Q So, in other words, for one particular</p> <p>8 rental to one particular patient, the patient may</p> <p>9 be paying more for the rental than you paid for</p> <p>10 the purchase of the DME unit?</p> <p>11 A I don't remember if it happen.</p> <p>12 Could be.</p> <p>13 Q Was it close?</p> <p>14 A It is close, yes.</p> <p>15 Q Are you aware of any fee schedule</p> <p>16 regulation that prohibits DME companies from</p> <p>17 renting equipment for more than the purchase price</p> <p>18 of the equipment to any one patient?</p> <p>19 A I seen it, yeah.</p> <p>20 Q Can you explain then how that may</p> <p>21 happen with your equipment?</p> <p>22 A It's not in the Medicaid fee schedule</p> <p>23 and we are supposed to follow Medicaid fee</p> <p>24 schedule.</p> <p>25 I remember seeing that Medicaid fee.</p>	<p style="text-align: right;">78</p> <p>1 A. Pinkhasov</p> <p>2 Probably the Medicare fee schedule. I could be</p> <p>3 wrong.</p> <p>4 Again, I just did my homework and I</p> <p>5 came up with that number based on my homework. I</p> <p>6 did check with some of my lawyers before I came up</p> <p>7 with those numbers.</p> <p>8 I did ask questions, and the best</p> <p>9 solution it was this, follow with what somebody</p> <p>10 did before, follow with somebody doing right now,</p> <p>11 on top of what the book says to us and what my</p> <p>12 lawyers confirm with me.</p> <p>13 I can be wrong, but it's my thing.</p> <p>14 That's what I came up with.</p> <p>15 Q Are you aware of a fee schedule</p> <p>16 regulation that says that the maximum</p> <p>17 reimbursement for rentals should only be one-sixth</p> <p>18 of the acquisition cost?</p> <p>19 A No --</p> <p>20 Q No?</p> <p>21 A I don't know about it. It could be</p> <p>22 there, but me personally, I don't know.</p> <p>23 MR. FRIEDMAN: Are you quoting from a</p> <p>24 specific statute or --</p> <p>25 MR. EGOR: New York Workers'</p>
<p style="text-align: right;">79</p> <p>1 A. Pinkhasov</p> <p>2 Compensation fee schedule and the Medicaid</p> <p>3 fee schedule.</p> <p>4 A Medicaid?</p> <p>5 Q Yes.</p> <p>6 MR. FRIEDMAN: So, what does it say?</p> <p>7 MR. EGOR: That the maximum</p> <p>8 reimbursement is one-sixth of the</p> <p>9 acquisition cost, and the accumulated</p> <p>10 rental cost cannot exceed the purchase</p> <p>11 price.</p> <p>12 MR. FRIEDMAN: One second. I'm not</p> <p>13 really sure of the paragraph you are</p> <p>14 referring to, but that wouldn't really make</p> <p>15 any sense because what that would mean,</p> <p>16 taken in a vacuum, would mean that the DME</p> <p>17 supplier would never generate any income in</p> <p>18 excess of cost of the equipment, so I'm not</p> <p>19 really sure where you're pulling that from,</p> <p>20 but as read on the record, what that is</p> <p>21 saying is that a rental could never exceed</p> <p>22 the purchase price, which means that there</p> <p>23 wouldn't be any profit or any monies in</p> <p>24 excess of the purchase price for a retailer</p> <p>25 or a DME company, and that can't possibly</p>	<p style="text-align: right;">80</p> <p>1 A. Pinkhasov</p> <p>2 make sense.</p> <p>3 That can't possibly be what the law</p> <p>4 is. I can't imagine that.</p> <p>5 MR. EGOR: Well, similar to renting a</p> <p>6 car. If a car is 50 dollars a day, the</p> <p>7 renter of the car, if the car cost \$10,000,</p> <p>8 they are saying you shouldn't be paying for</p> <p>9 that rental more than \$10,000. It should</p> <p>10 be only be one-sixth of the purchase price</p> <p>11 of the car.</p> <p>12 MR. FRIEDMAN: That doesn't make</p> <p>13 sense. If I bought a car for \$10,000 and</p> <p>14 rented it for \$10,000, I didn't make any</p> <p>15 money at all. Why would I be in the</p> <p>16 business?</p> <p>17 MR. EGOR: But then every rental car</p> <p>18 company is losing money.</p> <p>19 MR. FRIEDMAN: That's not true.</p> <p>20 MR. EGOR: Because the money comes</p> <p>21 when you continue to rent it on a larger</p> <p>22 scale. You may not on that particular</p> <p>23 rental recoup the full price of the car.</p> <p>24 It's a two-day rental, or whatever it is.</p> <p>25 MR. FRIEDMAN: That's what I am</p>

<p style="text-align: right;">81</p> <p>1 A. Pinkhasov</p> <p>2 asking. When we were talking about renting</p> <p>3 it out, are you talking about for a</p> <p>4 patient?</p> <p>5 You said you are talking about for the</p> <p>6 lifetime of the machine.</p> <p>7 MR. EGOR: Then I misspoke.</p> <p>8 MR. FRIEDMAN: What you're saying is</p> <p>9 if any one particular patient -- I actually</p> <p>10 think that the regulations deal with a per</p> <p>11 diem based upon the overall cost of the</p> <p>12 machine regardless of the length of the</p> <p>13 rental.</p> <p>14 It's per diem, and it deals with over</p> <p>15 how long of a rental period the per diem is</p> <p>16 figured, so we may be disagreeing on the</p> <p>17 calculations, and if, in fact, for the</p> <p>18 record, if my client is mis-supplying the</p> <p>19 manner in which to calculate the DME,</p> <p>20 that's a decent defense from the carrier,</p> <p>21 but he is telling you how he is calculating</p> <p>22 it. He believes that's the correct way to</p> <p>23 do it.</p> <p>24 If he is wrong, he is wrong, but if he</p> <p>25 is right, then I guess that's the way it</p>	<p style="text-align: right;">82</p> <p>1 A. Pinkhasov</p> <p>2 goes.</p> <p>3 MR. EGOR: Here is another way to look</p> <p>4 at it.</p> <p>5 If you're paying \$4,000 for a piece of</p> <p>6 equipment and you rent it out, a CPM at 42</p> <p>7 days at 88 dollars per day, it's \$3,700</p> <p>8 roughly, after two rentals you've recouped</p> <p>9 the expense of the piece of equipment and</p> <p>10 you've made --</p> <p>11 MR. FRIEDMAN: A profit.</p> <p>12 MR. EGOR: -- a profit of almost the</p> <p>13 same price, a little less than what you</p> <p>14 paid for it in two rentals.</p> <p>15 MR. FRIEDMAN: And that's a problem</p> <p>16 because of what?</p> <p>17 Because he has no labor costs. He has</p> <p>18 no insurance costs. He has no replacement</p> <p>19 costs. He has no marketing cost. He has</p> <p>20 no telephone costs.</p> <p>21 So, what I'm trying -- in a vacuum --</p> <p>22 MR. EGOR: After your first rental,</p> <p>23 every rental almost, a little less after</p> <p>24 the first rental is pure profit.</p> <p>25 MR. FRIEDMAN: Well, that depends upon</p>
<p style="text-align: right;">83</p> <p>1 A. Pinkhasov</p> <p>2 whether or not he has to replace equipment.</p> <p>3 That depends upon whether or not he has to</p> <p>4 repair equipment.</p> <p>5 If you said to me that this equipment</p> <p>6 lasts ad infinitum, then yes.</p> <p>7 MR. EGOR: You said earlier there is</p> <p>8 no lifespan that you're aware.</p> <p>9 MR. FRIEDMAN: No, no. You asked him</p> <p>10 whether there is lifespan. He is not aware</p> <p>11 of a lifespan. That doesn't mean that it</p> <p>12 can last ad infinitum.</p> <p>13 You asked him if he's aware of the</p> <p>14 lifespan. Clearly, it's a piece of</p> <p>15 equipment. Everything has a lifespan.</p> <p>16 Just so you know, I just bought a new</p> <p>17 car. I don't know what the lifespan of my</p> <p>18 car is. I'm sure that there is a lifespan</p> <p>19 of it, but I don't know what it is, so when</p> <p>20 you ask him if he knows what the lifespan</p> <p>21 is, if he says he doesn't know of the</p> <p>22 lifespan, that doesn't mean one doesn't</p> <p>23 exist.</p> <p>24 MR. EGOR: I absolutely believe there</p> <p>25 is a lifespan.</p>	<p style="text-align: right;">84</p> <p>1 A. Pinkhasov</p> <p>2 MR. FRIEDMAN: Of course there is.</p> <p>3 MR. EGOR: Regardless of the --</p> <p>4 THE WITNESS: Everything break, the</p> <p>5 little head.</p> <p>6 MR. FRIEDMAN: Everything mechanical</p> <p>7 breaks. That's why there are people who</p> <p>8 repair things, that's why there are costs</p> <p>9 to people who repair things.</p> <p>10 I understand what you're asking, but</p> <p>11 maybe it was a misunderstanding of the</p> <p>12 testimony.</p> <p>13 Q Have you ever heard of the Medcom</p> <p>14 Group?</p> <p>15 A No.</p> <p>16 Q Are you aware that there is some</p> <p>17 company, the Medcom Group, that charges anywhere</p> <p>18 from 26 to 30 dollars per day for CPM --</p> <p>19 A No.</p> <p>20 Q -- for a knee?</p> <p>21 A No.</p> <p>22 Q And 40 dollars for a shoulder unit?</p> <p>23 A No.</p> <p>24 Q Are you aware of machines such as a</p> <p>25 CPM knee unit is available for purchase from</p>

<p style="text-align: right;">85</p> <p>1 A. Pinkhasov</p> <p>2 retailers for between 2,100 and \$2,400?</p> <p>3 A Yes.</p> <p>4 Q But yet you're saying you've</p> <p>5 purchased -- how much did you say you purchased</p> <p>6 the knee unit for?</p> <p>7 A I can tell you, \$1,300.</p> <p>8 Q What about the shoulder unit?</p> <p>9 A You mean the price, how much I</p> <p>10 purchase it?</p> <p>11 Q Yes.</p> <p>12 A 4,000. It depend. But I got a good</p> <p>13 deal on it. We shop around.</p> <p>14 Q There were two companies that you've</p> <p>15 purchased them from?</p> <p>16 A I think three companies, but I don't</p> <p>17 remember if that is coming from cold therapy</p> <p>18 units. I think so.</p> <p>19 Q How many other companies did you seek</p> <p>20 out prices from?</p> <p>21 A It's different. I think I got better</p> <p>22 deals, so that's -- I want to believe I got good</p> <p>23 deals.</p> <p>24 And I think the prices are a lot more</p> <p>25 higher than that. Some of the CPMs go up to</p>	<p style="text-align: right;">86</p> <p>1 A. Pinkhasov</p> <p>2 seven, 8,000 for shoulder, easy.</p> <p>3 Q Is there any other literature you</p> <p>4 consulted in relation to coming up with the</p> <p>5 charges?</p> <p>6 A No.</p> <p>7 Q Without saying the substance of the</p> <p>8 communication, you mentioned you discussed prices</p> <p>9 with law firms or lawyers.</p> <p>10 Could you tell me those law firms' and</p> <p>11 lawyers' names?</p> <p>12 A Sure. Israel & Israel, like the</p> <p>13 country, and Bill Purdy.</p> <p>14 MR. FRIEDMAN: P-U-R-D-Y.</p> <p>15 Q Do you use a particular law firm</p> <p>16 with respect to collection services?</p> <p>17 A Not in this company, no.</p> <p>18 I'm sorry, can you --</p> <p>19 Q Do you use Israel & Israel to collect</p> <p>20 overdue bills?</p> <p>21 A Yes.</p> <p>22 Q Do you use any other attorneys for</p> <p>23 your collections?</p> <p>24 A Yes.</p> <p>25 Q Who?</p>
<p style="text-align: right;">87</p> <p>1 A. Pinkhasov</p> <p>2 A Maria Weissman and Russell Friedman.</p> <p>3 Q Do you charge for attachments or pads</p> <p>4 with respect to the DME equipment?</p> <p>5 A I don't think so. I'm not sure, but I</p> <p>6 don't think so, but I have to recheck that.</p> <p>7 I will get back to you on this one. I</p> <p>8 don't want to misinform you.</p> <p>9 Q Did you ever have a conversation with</p> <p>10 a doctor or anyone in the medical field about why</p> <p>11 most of these rentals for CPM units are for six</p> <p>12 weeks according to your billing?</p> <p>13 A First, it's not all of them six weeks,</p> <p>14 it's not. Some of the doctors, they prefer three</p> <p>15 weeks. Some of the doctors prefer four weeks.</p> <p>16 Some of the doctors prefer eight weeks. Some of</p> <p>17 the doctors prefer six weeks.</p> <p>18 Q What percentage would be six weeks</p> <p>19 with respect to the rentals of units?</p> <p>20 A Sixty.</p> <p>21 Q Sixty?</p> <p>22 A Sixty percent.</p> <p>23 Q Did you ever discuss that fact with</p> <p>24 any medical professional about the reason why they</p> <p>25 were all 60 percent of them are six weeks?</p>	<p style="text-align: right;">88</p> <p>1 A. Pinkhasov</p> <p>2 A No, no.</p> <p>3 Q What about CTU units, did you ever</p> <p>4 have a conversation with a healthcare professional</p> <p>5 about why CTU units are two weeks?</p> <p>6 A No.</p> <p>7 Q What's the percentage of the CTU units</p> <p>8 that are rented for two weeks?</p> <p>9 A Majority.</p> <p>10 Q Did you have any conversation with any</p> <p>11 doctors about why it's two weeks?</p> <p>12 A No, because I don't want to question</p> <p>13 the doctor.</p> <p>14 How can I question the doctor?</p> <p>15 I don't think -- maybe some of them</p> <p>16 may decide to give me answer, some of them.</p> <p>17 No, it's like me come to go a mechanic</p> <p>18 and ask why did you put these tires and not these</p> <p>19 tires. Wouldn't make sense for me to ask them</p> <p>20 this.</p> <p>21 If they decided, they professional,</p> <p>22 that's for how long it should be used, that's how</p> <p>23 long it should be used. That's the reason I</p> <p>24 haven't asked.</p> <p>25 Q Have you, yourself, ever read any</p>

<p style="text-align: right;">89</p> <p>1 A. Pinkhasov</p> <p>2 literature on the suggested usage of these</p> <p>3 machines?</p> <p>4 A There is different stuff, yes, I did</p> <p>5 have that, and yes, some of them says different</p> <p>6 stuff.</p> <p>7 Q What did they say?</p> <p>8 A Some literature saying it's very</p> <p>9 helpful and it's good to go up to six weeks, and</p> <p>10 the person who wrote this, he is a podiatry guy,</p> <p>11 and I think the name is Bernstein.</p> <p>12 I might be wrong, but I think</p> <p>13 that's -- it was a long time ago, but I think</p> <p>14 that's what it says right there.</p> <p>15 Q A podiatrist?</p> <p>16 A A podiatrist also prescribes CPM units</p> <p>17 because they do it for the ankles. Foot and</p> <p>18 ankles. Similar. Joint.</p> <p>19 Q Do you have a percentage of Medicaid</p> <p>20 clientele?</p> <p>21 A That was the reason why I actually --</p> <p>22 that was another reason why I open up Accelerated</p> <p>23 and DGO and why I get that License Pro person, a</p> <p>24 lawyer who was helping me out to bill this, open</p> <p>25 this, because I'm in process to doing Medicaid,</p>	<p style="text-align: right;">90</p> <p>1 A. Pinkhasov</p> <p>2 Medicare and every other insurance. I'm like half</p> <p>3 away.</p> <p>4 Q You haven't yet done any business with</p> <p>5 Medicaid clients?</p> <p>6 A Not yet, but I'm in the process to do.</p> <p>7 Q That is your intention?</p> <p>8 A Yes.</p> <p>9 Q What does that process involve?</p> <p>10 A It's like -- it's very complicated</p> <p>11 process. It's a lot environment. It's a lot of</p> <p>12 stuff.</p> <p>13 Have to be special place with special</p> <p>14 square footage, with everything else. It's a big</p> <p>15 lease what we have to get done to get this</p> <p>16 credential by Medicaid.</p> <p>17 Q You have to move offices?</p> <p>18 A Actually, I have to move offices</p> <p>19 because of the space.</p> <p>20 Q Do you have a new office planned, a</p> <p>21 move to a new office?</p> <p>22 A I already -- when I open up -- the</p> <p>23 first time when I opened up Accelerated DME, I</p> <p>24 opened up originally in the place when, in Ozone</p> <p>25 Park.</p>
<p style="text-align: right;">91</p> <p>1 A. Pinkhasov</p> <p>2 The reason why -- on Metropolitan.</p> <p>3 The reason I move is because of the square</p> <p>4 footage, and I have to find a new location, and I</p> <p>5 have to move my company because of the square</p> <p>6 footage, and because the billing have to be signed</p> <p>7 over on Building Department.</p> <p>8 Q Is there something that happened with</p> <p>9 Triple AMG where they are not eligible to bill</p> <p>10 Medicaid clients?</p> <p>11 A No, no, no. It's because of my</p> <p>12 partners and me, I start doing this because of my</p> <p>13 partner.</p> <p>14 I want to finish with Accelerated</p> <p>15 first, see how the process will go, a lot of</p> <p>16 expense. It's not a cheap process.</p> <p>17 Right after that I probably going to</p> <p>18 start, get credential in Accelerated. I start</p> <p>19 doing Triple AMG.</p> <p>20 The reason I don't want to do</p> <p>21 everything the same time, because right now they</p> <p>22 helping me doing it and paying them money for</p> <p>23 that.</p> <p>24 When I pass this process, and going to</p> <p>25 be -- I more familiar with this process, I can do</p>	<p style="text-align: right;">92</p> <p>1 A. Pinkhasov</p> <p>2 everything on my own without getting third parties</p> <p>3 to help me.</p> <p>4 Q Who are you saying right now?</p> <p>5 A I paid before to this guy, his name is</p> <p>6 Artur Pro -- License Pro. I'm sorry.</p> <p>7 Q That's the same one that helped form</p> <p>8 Accelerated?</p> <p>9 A Accelerated, yes.</p> <p>10 The reason why he was the one helping</p> <p>11 me was because he was involved with Medicaid,</p> <p>12 Medicare. That was the purpose for Medicaid,</p> <p>13 Medicare and -- every other insurance.</p> <p>14 Q Do you know if Triple AMG bills any</p> <p>15 Medicaid, Medicare patients?</p> <p>16 A No.</p> <p>17 Q They don't?</p> <p>18 A No.</p> <p>19 Q What is their percentage of No-Fault</p> <p>20 claims?</p> <p>21 MR. FRIEDMAN: I will object to that.</p> <p>22 Today is not the EUO of Triple AMG.</p> <p>23 Q Do you know what the gross revenue of</p> <p>24 Accelerated for 2013?</p> <p>25 A It wasn't a lot, but I have to get</p>

<p style="text-align: right;">93</p> <p>1 A. Pinkhasov</p> <p>2 back to you.</p> <p>3 MR. FRIEDMAN: Gross billing or gross</p> <p>4 receipts?</p> <p>5 MR. EGOR: Billing.</p> <p>6 A Billing, approximately?</p> <p>7 Q Yes.</p> <p>8 A I will give you approximately.</p> <p>9 Q If you can give me each year, or if</p> <p>10 you can't, any particular years you have been in</p> <p>11 operation.</p> <p>12 A The first years we got loss.</p> <p>13 I mean, the second we got a little</p> <p>14 profit. We range from 800 to a million dollars, I</p> <p>15 believe, but again, I want to get back to you.</p> <p>16 Q In 2012 you think it was operated at a</p> <p>17 loss?</p> <p>18 A A loss.</p> <p>19 Q 2013 you had gross --</p> <p>20 A No, no. In 2012 we -- I don't</p> <p>21 remember how much we gross. Not income. Talking</p> <p>22 about the gross right now. That's how much we</p> <p>23 gross.</p> <p>24 There was no income in 2012. I don't</p> <p>25 think so, but again, I have to recheck that.</p>	<p style="text-align: right;">94</p> <p>1 A. Pinkhasov</p> <p>2 And in 2013 we got extension. We</p> <p>3 didn't finish our tax. We have to finish it this</p> <p>4 month.</p> <p>5 Q The gross billing in 2013 was</p> <p>6 somewhere in the range from 800 to a million</p> <p>7 dollars, but you don't know what the income of the</p> <p>8 company yet for 2013?</p> <p>9 A For 2013 --</p> <p>10 Q 2014.</p> <p>11 A 2014 we didn't claim the taxes yet.</p> <p>12 Q Have you estimated?</p> <p>13 A I will tell you what the estimation</p> <p>14 is. Gross, I would say a million dollars a year.</p> <p>15 Q So far to date, first three-quarters</p> <p>16 of the year?</p> <p>17 A 600,000.</p> <p>18 Oh, no. I will tell you exact</p> <p>19 numbers. How many months -- nine, eight months.</p> <p>20 MR. FRIEDMAN: Eight.</p> <p>21 A I would say \$600,000. Five to</p> <p>22 600,000.</p> <p>23 Q That's the gross billing?</p> <p>24 A That's the gross billing.</p> <p>25 Q Do you pay your taxes quarterly?</p>
<p style="text-align: right;">95</p> <p>1 A. Pinkhasov</p> <p>2 A I just start.</p> <p>3 Q Just started on a quarterly?</p> <p>4 MR. FRIEDMAN: Which taxes are you</p> <p>5 talking about?</p> <p>6 MR. EGOR: The business, the big</p> <p>7 corporation.</p> <p>8 MR. FRIEDMAN: C Corp., S Corp.</p> <p>9 C Corp. you might pay tax. S Corp.</p> <p>10 you wouldn't pay quarterly taxes. Separate</p> <p>11 payroll withholding.</p> <p>12 Q Let me ask that.</p> <p>13 What kind of corporation?</p> <p>14 A S Corp.</p> <p>15 MR. FRIEDMAN: For purposes of the</p> <p>16 EUO, an S Corp. wouldn't pay quarterly</p> <p>17 taxes. Until it files its final return,</p> <p>18 wouldn't pay any taxes.</p> <p>19 It might pay --</p> <p>20 Q You're the sole shareholder in this</p> <p>21 corporation, Accelerated?</p> <p>22 A Yes, Accelerated, no one else.</p> <p>23 Q What are the names of your</p> <p>24 accountants?</p> <p>25 A Peter -- his name is Peter. I don't</p>	<p style="text-align: right;">96</p> <p>1 A. Pinkhasov</p> <p>2 know corporation name.</p> <p>3 Q Is he part of a company?</p> <p>4 A He is part of a company.</p> <p>5 Q What company?</p> <p>6 A CPA company. I don't know the name.</p> <p>7 Q CPA?</p> <p>8 A The company, they have CPA, lawyers.</p> <p>9 Q Where is he located?</p> <p>10 A He is in Long Island.</p> <p>11 Q Have you ever billed GEICO for the</p> <p>12 rental of the same DME unit to two different</p> <p>13 patients simultaneously?</p> <p>14 A Can you --</p> <p>15 Q In other words, have you ever sent a</p> <p>16 bill to GEICO, or bills, two different patients</p> <p>17 that were using the same unit?</p> <p>18 MR. FRIEDMAN: At the same time?</p> <p>19 MR. EGOR: At the same time.</p> <p>20 A Look, everything could happen because</p> <p>21 we might have -- glad I mentioned before, there</p> <p>22 was a big mess, but now we're separating my</p> <p>23 companies.</p> <p>24 We might -- it doesn't mean we didn't</p> <p>25 provide a person, for first patient, a second</p>

<p style="text-align: right;">97</p> <p>1 A. Pinkhasov</p> <p>2 patient, a device. We might sent bills by</p> <p>3 mistake. That could happen if that's the</p> <p>4 question.</p> <p>5 MR. FRIEDMAN: No, he didn't ask you</p> <p>6 if you billed.</p> <p>7 Did you ask him if he provided a</p> <p>8 machine or if he ever billed for a machine?</p> <p>9 MR. EGOR: Billed for a machine.</p> <p>10 Let me rephrase that.</p> <p>11 Q For example, is there any instance</p> <p>12 where the same machine was billed to GEICO by</p> <p>13 Accelerated and by Triple AMG?</p> <p>14 MR. FRIEDMAN: For the same time</p> <p>15 period?</p> <p>16 Two different patients, same time</p> <p>17 period?</p> <p>18 MR. EGOR: Yes.</p> <p>19 A Could happen. Just may be because of</p> <p>20 mess, some of the girls mess it up with the</p> <p>21 paperwork. That could happen, yes. Maybe.</p> <p>22 To tell you right now a hundred</p> <p>23 percent, maybe I'm mistaking --</p> <p>24 MR. FRIEDMAN: Could I have a break</p> <p>25 for a second? I want to ask my client --</p>	<p style="text-align: right;">98</p> <p>1 A. Pinkhasov</p> <p>2 step out.</p> <p>3 (At this time, the witness and</p> <p>4 attorney left the examining room and</p> <p>5 subsequently returned.)</p> <p>6 (Recess taken.)</p> <p>7 MR. FRIEDMAN: After a brief</p> <p>8 off-the-record conversation, my client -- I</p> <p>9 think I was able to explain the question in</p> <p>10 the way that he understood it. I didn't</p> <p>11 understand it.</p> <p>12 So, if you would like to explain your</p> <p>13 answer.</p> <p>14 Q Do you need to clarify?</p> <p>15 A Yes, yes. Now I'm understanding</p> <p>16 exactly what you mean.</p> <p>17 What was the mistake is, that's why I</p> <p>18 was, I mention about the paper, my girl might have</p> <p>19 a mistake, send out the same paper, means same</p> <p>20 serial number.</p> <p>21 But for the same machine, billing in</p> <p>22 the same time, no, it's not happening.</p> <p>23 That's what I mentioned before. My</p> <p>24 girls might have a mistake, send the serial number</p> <p>25 by mistake. That could happen, yes.</p>
<p style="text-align: right;">99</p> <p>1 A. Pinkhasov</p> <p>2 But for the same machine for different</p> <p>3 patients, no, no, no, it's not.</p> <p>4 Q I thought you mentioned earlier that</p> <p>5 the serial number is not listed on any of the</p> <p>6 bills?</p> <p>7 A Yeah, but we do send you guys the</p> <p>8 invoice.</p> <p>9 Q That's what I want to ask you now.</p> <p>10 Defendant's Exhibit B is an invoice.</p> <p>11 Can you just identify what that is?</p> <p>12 MR. FRIEDMAN: Go ahead. It's your</p> <p>13 invoice.</p> <p>14 Q Can you tell us the name of that</p> <p>15 company that's the invoice?</p> <p>16 A My company.</p> <p>17 Q From who?</p> <p>18 To your company?</p> <p>19 A To my company from --</p> <p>20 Q I see a company up here on the top</p> <p>21 right, is that the DGO Company?</p> <p>22 A DGO. DJO.</p> <p>23 Q That says DJO, is that the same thing,</p> <p>24 DGO, DJO?</p> <p>25 A Yeah.</p>	<p style="text-align: right;">100</p> <p>1 A. Pinkhasov</p> <p>2 What do you --</p> <p>3 Q Can you explain what's in it?</p> <p>4 A It's the purchase of the CPM unit.</p> <p>5 Q Tell us what the purchase price is.</p> <p>6 A That's the bill, okay. That's the</p> <p>7 shoulder CPM.</p> <p>8 Q How much was the shoulder CPM?</p> <p>9 A It doesn't say.</p> <p>10 Q How much did you pay?</p> <p>11 A \$3,995.</p> <p>12 Q For how many machines?</p> <p>13 A I think it's ten.</p> <p>14 So, yes, I figure out now. It's ten</p> <p>15 machines, 3,995 for each.</p> <p>16 Total amount, \$39,949.95.</p> <p>17 Q That's for a shoulder CPM?</p> <p>18 A Shoulder, yes.</p> <p>19 Q Do you have any invoices for a new</p> <p>20 CPM?</p> <p>21 A I don't. It's not in the bills. If</p> <p>22 it's not in the bills I will have to provide you</p> <p>23 with this.</p> <p>24 Q Is there any reason why this, and for</p> <p>25 the record, this is an invoice dated February 13,</p>

<p style="text-align: right;">101</p> <p>1 A. Pinkhasov</p> <p>2 2013, is provided to GEICO with respect to all of</p> <p>3 your shoulder CPM rentals?</p> <p>4 A Probably because we bought them in</p> <p>5 bulk, ten units, and they give us one receipt.</p> <p>6 That's what I see over there.</p> <p>7 Q Do you have other receipts for some of</p> <p>8 the other equipment?</p> <p>9 A For all the equipment we do have the</p> <p>10 receipts, yes.</p> <p>11 Q Because this is only for ten units and</p> <p>12 you have a lot more than that.</p> <p>13 A A lot more than that.</p> <p>14 But what you're showing me right now</p> <p>15 is the one attached to your bill because that's</p> <p>16 what it is.</p> <p>17 Q Right.</p> <p>18 This same receipt, this same invoice</p> <p>19 is produced with all of the bills that are for</p> <p>20 shoulders.</p> <p>21 A For the ten CPMs we purchased.</p> <p>22 Q You're renting more than ten CPMs?</p> <p>23 A Yes, but it's different receipts.</p> <p>24 Q I'm just saying, for the record, the</p> <p>25 receipts that we received, that GEICO received are</p>	<p style="text-align: right;">102</p> <p>1 A. Pinkhasov</p> <p>2 all dated March 13, 2013, appear to be the same</p> <p>3 invoice.</p> <p>4 A All the bills GEICO received, if</p> <p>5 that's what you're telling me, all the bills were</p> <p>6 sent out, we sent out to GEICO. We just use one</p> <p>7 receipt.</p> <p>8 Is that the question?</p> <p>9 Q Yes.</p> <p>10 Why do you do that?</p> <p>11 A It's pretty much because all those</p> <p>12 units buy from the same company, the same models.</p> <p>13 That's the reason why.</p> <p>14 They are no different --</p> <p>15 Q You're saying they don't change</p> <p>16 regardless of the date, the numbers are the same?</p> <p>17 A The price is the same.</p> <p>18 Q So, this invoice is more --</p> <p>19 MR. FRIEDMAN: Reflective.</p> <p>20 Q This invoice is a sample or example of</p> <p>21 the invoices you have of the equipment?</p> <p>22 A Yes.</p> <p>23 Q Defendant's Exhibit C, can you</p> <p>24 identify that?</p> <p>25 A C.</p>
<p style="text-align: right;">103</p> <p>1 A. Pinkhasov</p> <p>2 What is that?</p> <p>3 Q Is that an invoice?</p> <p>4 A Yes.</p> <p>5 Q From who?</p> <p>6 A From MedSource USA.</p> <p>7 Q That's that same company you referred</p> <p>8 to earlier that you made your purchases from?</p> <p>9 A Yes.</p> <p>10 Q What's it for?</p> <p>11 A For a knee CPM.</p> <p>12 Q How do you know it's a knee CPM?</p> <p>13 A By the price, I guess. It doesn't say</p> <p>14 anything right here.</p> <p>15 Q What is the price?</p> <p>16 A \$1,128.</p> <p>17 Q For how many units?</p> <p>18 A Give me one second. Let me just --</p> <p>19 only one unit. That explains.</p> <p>20 I'm so sorry. Now I've got it.</p> <p>21 That's a cold therapy unit.</p> <p>22 Q It's a cold therapy unit?</p> <p>23 A Yes.</p> <p>24 Q Is it an Aqua Relief System, the name</p> <p>25 of the cold therapy?</p>	<p style="text-align: right;">104</p> <p>1 A. Pinkhasov</p> <p>2 A Yes, the name.</p> <p>3 Q Like a model?</p> <p>4 A That's just the name of the company.</p> <p>5 Q Just a usage?</p> <p>6 A Usage, yeah.</p> <p>7 Q So, what was the price per unit?</p> <p>8 I see the total.</p> <p>9 A I believe -- 130 dollars, it's a range</p> <p>10 between 120 to 140.</p> <p>11 They always change the prices because</p> <p>12 they are not always available.</p> <p>13 Q Same question again.</p> <p>14 It appears to be that this same</p> <p>15 invoice that's dated March 14, 2013 is submitted</p> <p>16 to GEICO in relation to all of your bills for CTU</p> <p>17 units.</p> <p>18 What's the explanation for that?</p> <p>19 A The same concept. Those units are the</p> <p>20 same thing. Don't change. The same look. Same</p> <p>21 features. Everything is the same thing and it</p> <p>22 does the same work.</p> <p>23 Q You have invoices for other CTU units?</p> <p>24 A I believe so, yes.</p> <p>25 Q Those other invoices would be similar</p>

<p style="text-align: right;">105</p> <p>1 A. Pinkhasov</p> <p>2 in nature to this?</p> <p>3 A Similar to this, yes.</p> <p>4 The price range is different. They</p> <p>5 always change.</p> <p>6 For instance, right now I can't find</p> <p>7 nothing less than 180, 200. I used to buy them</p> <p>8 for 130, but the units itself, it does the same</p> <p>9 thing, and they are very similar to each other.</p> <p>10 Q Could you tell us the brands of the</p> <p>11 equipment that you're using?</p> <p>12 A For cold therapy unit?</p> <p>13 Q And the CPM and CTU.</p> <p>14 A DGO and Aqua whatever over here.</p> <p>15 Let me see. Aqua Relief System.</p> <p>16 Q Have you ever heard of OptiFlex 3?</p> <p>17 A Yes, for the knee.</p> <p>18 Q That's the name of model that your</p> <p>19 company is renting?</p> <p>20 A I believe so.</p> <p>21 Q Is that the only model that your</p> <p>22 company uses?</p> <p>23 A No, that's different. That's</p> <p>24 different over there.</p> <p>25 Q Let me show you a document. It says</p>	<p style="text-align: right;">106</p> <p>1 A. Pinkhasov</p> <p>2 Durable Medical Equipment rental agreement, and it</p> <p>3 has Accelerated DME at the top of it. That is</p> <p>4 Exhibit O.</p> <p>5 Can you identify that?</p> <p>6 Tell us what that is.</p> <p>7 (Whereupon, rental agreement was</p> <p>8 marked as Defendant's Exhibit O for</p> <p>9 identification, as of this date.)</p> <p>10 Q Can you take a look at that and tell</p> <p>11 us what that is?</p> <p>12 A You mean the whole bill or just the</p> <p>13 first page?</p> <p>14 Q Just that page.</p> <p>15 A It says similar. Just for that page.</p> <p>16 Just to show a patient, just to make</p> <p>17 sure if the unit is functional, it's clean and</p> <p>18 it's operational.</p> <p>19 Q Do you ever refurbish the units, try</p> <p>20 to repair them?</p> <p>21 A Yes, sure, a lot.</p> <p>22 Q Do you have a mechanic that does that?</p> <p>23 A We send it back to the DGO or to the</p> <p>24 company where we bought it from, and we just send</p> <p>25 to the company who made them, and we repair them</p>
<p style="text-align: right;">107</p> <p>1 A. Pinkhasov</p> <p>2 all the time.</p> <p>3 Q Do they charge for that service?</p> <p>4 A Sure.</p> <p>5 Q How much would it cost?</p> <p>6 A Different. Because of different</p> <p>7 parts. Different -- a little unit, a little head</p> <p>8 without the computer. A little unit always</p> <p>9 breaking on us.</p> <p>10 Q This form, Defendant's O, was created</p> <p>11 by who?</p> <p>12 A My -- our company, yes.</p> <p>13 Q You have lines here for model and</p> <p>14 serial number and days prescribed.</p> <p>15 Do you ever fill out the serial number</p> <p>16 on that document?</p> <p>17 A Yes.</p> <p>18 Q Is it filled out on that one?</p> <p>19 A Model number, not a serial number.</p> <p>20 Q Why don't you write the serial number?</p> <p>21 A Because it was very confusion like I</p> <p>22 said that before, it was very confusion with the</p> <p>23 serial numbers. That was the issue.</p> <p>24 Q Who fills out that information about</p> <p>25 the model number?</p>	<p style="text-align: right;">108</p> <p>1 A. Pinkhasov</p> <p>2 A My techs. My techs.</p> <p>3 Q When was this form prepared in the</p> <p>4 process of the delivery or rental of the unit?</p> <p>5 A When we deliver to the patients. We</p> <p>6 come with a blank and we filled out in front of</p> <p>7 the patients and they ask them all the questions</p> <p>8 and if they agree what's here, we put their</p> <p>9 signature.</p> <p>10 Q When do you get the dates written in</p> <p>11 there, the days, 42 days?</p> <p>12 A Right on the bottom right here</p> <p>13 (indicating).</p> <p>14 Q These days prescribed, where does that</p> <p>15 information -- where is that derived?</p> <p>16 How do they know to write that in?</p> <p>17 A Can you repeat?</p> <p>18 Q Where do they get 42 days, CPM and CTU</p> <p>19 information, how do they decide to write that?</p> <p>20 A How they decide, it says in the</p> <p>21 script. From the script.</p> <p>22 Q That should match the prescription?</p> <p>23 A Yes.</p> <p>24 Q Then the dates on the bottom that are</p> <p>25 signed by the patient correspond with that length</p>

<p style="text-align: right;">109</p> <p>1 A. Pinkhasov</p> <p>2 of time?</p> <p>3 A It says rental from 4/7/14, let's say,</p> <p>4 for example, and finishing 5/29/14. Match to</p> <p>5 this.</p> <p>6 Q Forty-two days?</p> <p>7 A Forty-two days.</p> <p>8 Do you mind if I take a quick second?</p> <p>9 (Recess taken.)</p> <p>10 Q I actually am pretty much done.</p> <p>11 I have one more question for the</p> <p>12 record.</p> <p>13 Do you charge the same amount to GEICO</p> <p>14 for a new unit versus a used unit?</p> <p>15 A The same price.</p> <p>16 Q Whether five years old, three years</p> <p>17 old --</p> <p>18 A Same price.</p> <p>19 Q -- or brand new unit?</p> <p>20 A The same price.</p> <p>21 Q Other than what you said before about</p> <p>22 machines breaking down, you don't know or you</p> <p>23 don't have experience with the lifespan of a unit,</p> <p>24 as long as its working, hasn't broken --</p> <p>25 A As long as working, as long</p>	<p style="text-align: right;">110</p> <p>1 A. Pinkhasov</p> <p>2 functional.</p> <p>3 Q -- you keep renting it?</p> <p>4 A If they break in our warehouse we</p> <p>5 don't send them. They break in the patient, the</p> <p>6 house, we replace it right away.</p> <p>7 Q Will a patient call you if a machine</p> <p>8 is broken?</p> <p>9 A We have a system. They call us based</p> <p>10 on this, based on the stuff they sign. Plus, they</p> <p>11 have our business card.</p> <p>12 We re-call them. I remember I</p> <p>13 mentioned that, we call the next day, how they</p> <p>14 feel, how they doing, if they understand</p> <p>15 everything, the machine, how everything else is</p> <p>16 working.</p> <p>17 Besides, they put the marks on them</p> <p>18 and sign them on the paper we give them to sign.</p> <p>19 Besides that, we do this additionally,</p> <p>20 and we call them two, three weeks later, the</p> <p>21 machine, the progress and everything else.</p> <p>22 Q If you get a phone call and says a</p> <p>23 machine is not working, it's broken, what will you</p> <p>24 do?</p> <p>25 A If they call my office, my girls,</p>
<p style="text-align: right;">111</p> <p>1 A. Pinkhasov</p> <p>2 staff would do scheduling, they just schedule it,</p> <p>3 and within 24 hours it's supposed to be replaced.</p> <p>4 Q So, you take the old machine and give</p> <p>5 them a different machine?</p> <p>6 A Different machine, yeah.</p> <p>7 I wouldn't say next day. Let's say if</p> <p>8 they call me today, we try to do it in the same</p> <p>9 day.</p> <p>10 If it's late, early in the morning, or</p> <p>11 whatever, it's based on the patient's schedule.</p> <p>12 Q Do you have any forms or records that</p> <p>13 you use or complete to document that a machine</p> <p>14 broke down and the patient was given a different</p> <p>15 machine?</p> <p>16 A Yes, have a complaint form.</p> <p>17 Q A complaint form?</p> <p>18 A Complaint form and --</p> <p>19 Q What's on that?</p> <p>20 A My girls, it's demanded if my girls</p> <p>21 write it down when they call the patient, what was</p> <p>22 the conversation with the patient, and what</p> <p>23 happened, meaning what's going on.</p> <p>24 Q It will note, there is a space on</p> <p>25 there, machine is broken?</p>	<p style="text-align: right;">112</p> <p>1 A. Pinkhasov</p> <p>2 A Machine is broken, yes.</p> <p>3 Q When they get a new machine to replace</p> <p>4 the broken one, is there a record kept of what</p> <p>5 that new machine's serial number is?</p> <p>6 A Stephanie, my manager, the girls,</p> <p>7 honestly speaking, never read those notes. I will</p> <p>8 assume yes, but again, I never read them myself.</p> <p>9 It was there and I heard they was</p> <p>10 speaking to the client. I see this all the time.</p> <p>11 They put the notes, but I don't have time to go</p> <p>12 over it because something which is not necessary,</p> <p>13 but we are just doing it just for our improvement,</p> <p>14 not for anybody else.</p> <p>15 Q Does this patient get a new rental</p> <p>16 agreement?</p> <p>17 A No.</p> <p>18 Q If the machine is broken for a period</p> <p>19 of time, a day, for instance, does that get</p> <p>20 reflected in the billing, is it credited to GEICO?</p> <p>21 A Let's say --</p> <p>22 MR. FRIEDMAN: Or anybody.</p> <p>23 MR. EGOR: Or anybody, yes.</p> <p>24 A Let's say we are taking more than --</p> <p>25 from night to morning, it will take two days,</p>

<p style="text-align: right;">113</p> <p>1 A. Pinkhasov</p> <p>2 three days, obviously we are not billing, but</p> <p>3 usually if they call us in the night, we bring it</p> <p>4 tomorrow morning, or tomorrow afternoon we bring</p> <p>5 it, so the patient have enough time to catch up</p> <p>6 the time he missed of using that machine.</p> <p>7 Q Right.</p> <p>8 So, they still may use it 42 days, but</p> <p>9 you're billing would reflect a gap in days where</p> <p>10 the machine was not in use because it was broken?</p> <p>11 A If we take long enough we definitely</p> <p>12 leave the gap, and it happen all the time. If you</p> <p>13 guys will go over the bills you will see not a lot</p> <p>14 of your bills.</p> <p>15 Q The sequence of days may skip?</p> <p>16 A Yes, you will see like, let's say the</p> <p>17 script was 42 days and we only bill for ten days</p> <p>18 because either the patient call to pick up or the</p> <p>19 machine didn't work.</p> <p>20 If you are going to check our records</p> <p>21 and our bills you will see it's always like this.</p> <p>22 We don't bill only based on what the script says.</p> <p>23 Q So, the insurance companies are</p> <p>24 credited by your company where there is a</p> <p>25 situation where the machine is broken or returned</p>	<p style="text-align: right;">114</p> <p>1 A. Pinkhasov</p> <p>2 early?</p> <p>3 A Let me repeat that again.</p> <p>4 Let's say the patient call me tonight</p> <p>5 saying, "My machine is broken." And I scheduled</p> <p>6 something nine in the morning, ten in the morning,</p> <p>7 12 in the morning, I'm just keeping my billing the</p> <p>8 way it is. Not skipping, no gaps, no nothing.</p> <p>9 Q Right. I understand. If there is no</p> <p>10 lapse in time.</p> <p>11 A Lapse in time.</p> <p>12 Let's say he didn't use my machine for</p> <p>13 three days, then it's a different story then.</p> <p>14 Q What is that story?</p> <p>15 A The story is we don't bill for those</p> <p>16 three days.</p> <p>17 Q So, the days would be skipped on the</p> <p>18 bill?</p> <p>19 A It's not going to be like seven to</p> <p>20 ten. It's not going to say that.</p> <p>21 We are just -- let's say if it's 42</p> <p>22 days. We just take, we bill for 38 days, for</p> <p>23 example, or 39 days.</p> <p>24 Q It comes from the back end of the</p> <p>25 rental period?</p>
<p style="text-align: right;">115</p> <p>1 A. Pinkhasov</p> <p>2 A Yes.</p> <p>3 Q The date sequence would continue to go</p> <p>4 in numerical order, but the duration of it would</p> <p>5 be less --</p> <p>6 A Exactly.</p> <p>7 Q -- to show the credit?</p> <p>8 A The system, we took this day or that</p> <p>9 day. Just less day.</p> <p>10 MR. EGOR: Okay, Mr. Pinkhasov, thank</p> <p>11 you for your time today for coming in.</p> <p>12 THE WITNESS: Thank you.</p> <p>13 MR. FRIEDMAN: Thank you very much.</p> <p>14 In an off-the-record conversation with</p> <p>15 Counsel for the carrier, we discussed</p> <p>16 whether or not our respective offices have</p> <p>17 worked out a -- my client's per diem</p> <p>18 remuneration for his appearance here today.</p> <p>19 My client has graciously agreed to</p> <p>20 waive his fee for today subject to, of</p> <p>21 course, requesting them to be paid in the</p> <p>22 future if he should ever have to sit for</p> <p>23 another EUO.</p> <p>24 I appreciate your courtesy for coming</p> <p>25 to our offices today, and thank you very</p>	<p style="text-align: right;">116</p> <p>1 A. Pinkhasov</p> <p>2 much for everything that we worked out for</p> <p>3 today.</p> <p>4 MR. EGOR: One last thing I should</p> <p>5 just mention.</p> <p>6 GEICO reserves its rights to process</p> <p>7 the bills that are the subject of today's</p> <p>8 EUO.</p> <p>9 MR. FRIEDMAN: In the regular course</p> <p>10 of business.</p> <p>11 MR. EGOR: In the regular course of</p> <p>12 business.</p> <p>13 MR. FRIEDMAN: That's fine.</p> <p>14 (Time noted: 12:45 p.m.)</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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ACKNOWLEDGMENT

STATE OF NEW YORK)

ss:

COUNTY OF QUEENS)

I, ARTUR PINKHASOV, hereby certify

that I have read the transcript of my

testimony taken under oath in my deposition

of SEPTEMBER 5, 2014; that the transcript

is a true, complete and correct record of

what was asked, answered and said during

this deposition, and that the answers on

the record as given by me are true and

correct.

ARTUR PINKHASOV

Subscribed and sworn to

before me this day

of , 2014.

NOTARY PUBLIC

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CERTIFICATE

STATE OF NEW YORK)

ss.:

COUNTY OF NASSAU)

I, HOLLY BAINE, a Shorthand Reporter and

Notary Public in and for the State of New York, do

hereby certify:

That the testimony of ARTUR PINKHASOV was

held before me at the aforesaid time and place.

That said witness was duly sworn before the

commencement of the testimony and that the

testimony was taken stenographically by me and is

a true and accurate transcription of my

stenographic notes.

I further certify that I am not related to

any of the parties to the action by blood or

marriage and that I am in no way interested in the

outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my

hand this 9th day of September, 2014.

HOLLY BAINE

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2 ERRATA SHEET
3 DEPOSITION OF: ARTUR PINKHASOV
RE: CLAIM OF ACCELERATED DME RECOVERY, INC.
4 DATE TAKEN: SEPTEMBER 5, 2014
5 PAGE LINE # CORRECTION REASON
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ARTUR PINKHASOV
22
23 Subscribed and sworn to
before me this _____ day
of _____, 2014.
24
25 _____
NOTARY PUBLIC

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